

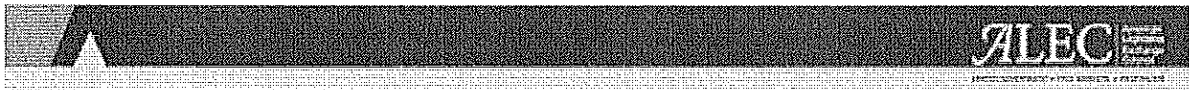
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Center for Innovation and Technology - February 13, 2018

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From Center Director Bartlett Cleland and 2018 ALEC Chairman, North Carolina Representative Jason Saine

The states are the laboratories of democracy as Justice Brandeis wrote in 1932. They are seen as a proving ground of sorts for public policy, a platform from which the best policies can be tested and then shared with other states. As such, states cannot afford to take the status quo for granted. As the world changes, states need to change to stay competitive and relevant, pursuing the best policies and understanding innovative growing industries, products and services.

To stay on the curve then, or maybe even ahead of the curve, is an imperative for state legislators. They must continually seek to be educated, exchanging the best ideas and cautions with other legislators while hearing from experts on the issues that the legislators are facing. The result of not continually improving a state can lead to dramatic problems or opportunities missed. A state must make sure that opportunities for its citizens are not arbitrarily limited, that the business environment created by the state is such that start-ups can begin and grow, and that companies can compete effectively.

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Last month's Consumer Electronics Show, again serving as the proving ground for innovators and breakthrough technologies as it has for 50 years, highlighted all of the best in innovation in technology. Automated cars, smart speakers, next generation televisions, drones and even a wireless connected toilet seat were just some of the creations that filled the city's show floors.

But public policy, including state policy, was also center stage. With panels discussing such diverse issues as digital health, privacy and the industry's voluntary efforts in recycling, the Show is something of a one stop show-and-tell for legislators to learn more about innovation and public policy. One interesting panel featured state governors discussing successful efforts in their states where innovation is concerned.

As Michigan Governor Rick Snyder explained during the panel, Michigan serves as an example of a state that lost its way but that has regained its footing. A leader in innovation for decades, the state rested on its innovation laurels instead of continually improving. But after the state got back on the right track with its massive tax reform, regulatory reform and balancing its budget, it has taken advantage of its history with the automobile industry to become a leader in modern mobility. While the state still struggles with attracting enough of the right educated and trained people, Michigan is again attracting and growing innovation businesses.

Nevada, as Governor Brian Sandoval described, is fully 84% federal land. But instead of being hamstrung by that negative, the state looked to the positive of having all of that open space. The state has now become a leader for drone testing which has led to growth of that industry there. In addition, taking advantage of all its sun, Nevada has attracted solar arrays to provide green energy which has enabled the state to attract those industries that seek such.

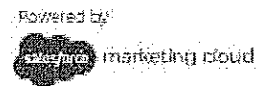
Combining this sort of policy input with a show floor full of cutting edge technologies is a powerful reminder of how robust the innovation economy can be when allowed to grow. The overall takeaway from the panels and the technology demonstrated during the Show was that government has to maintain an environment for innovation to flourish. In addition, government itself needs to get moving on improving, experimenting, even knowing that not every idea will work, but comforted knowing that this sort of experimentation is a role only they can fill in our nation.

= A Few other venues can provide this sort of industry wide, city spanning, show

and tell for legislators. The Consumer Electronics Show is increasingly a peek at the very state of innovation across the states.

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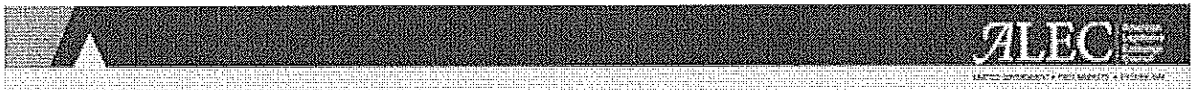
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ALEC Digital Exchange: February 15, 2018



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Criminal Justice

Facebook Live on *Mens Rea* Reform with Task Force Director Ronnie Lampard

Ronald J. Lampard | Criminal Justice



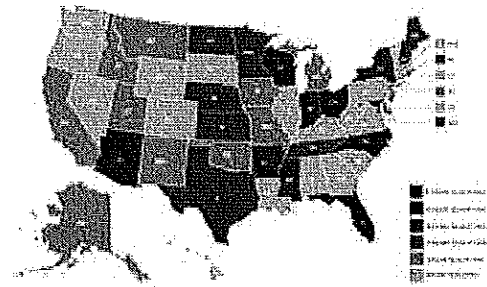
ALEC will host a Facebook Live event on **Friday, February 16 at 1:00 PM** with Criminal Justice Director Ronnie Lampard to discuss the **new State Factor publication on mens rea reform**, as well as discussing how states can benefit from smart criminal justice policy. Tune in to the ALEC Facebook page to hear from our policy expert and ask your questions.

[Go to Facebook](#)

Tax Cut Roundup

Center for State Fiscal Reform Holds Conference Call on *Tax Cut Roundup*

LISTING 1.1 STATEWIDE AVERAGE TAXES BY TYPE: 2013-2014 FISCAL YEAR



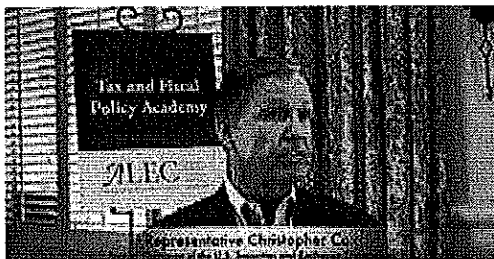
The ALEC Center for State Fiscal Reform will hold a conference call on **Friday, February 16 at 11:00 AM** to discuss the new *Tax Cut Roundup*. To RSVP for the call, fill out the form linked below.

[RSVP For Call](#)

Talking About Tax

California Congressman Chris Cox Covers the Basics of Tax Policy

ALEC Center for State Fiscal Reform



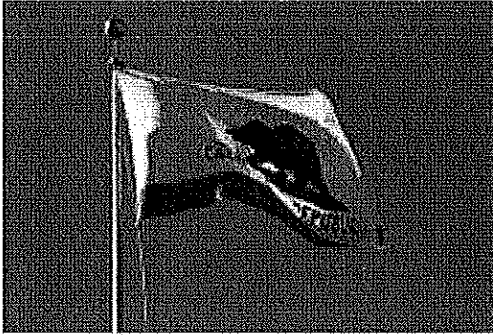
Taxation without representation could again be the rule of the land. The U.S. Supreme Court is considering a case to remove physical presence as a requirement for the government authority to tax a person. Legislators need to make sure they are familiar with the basics on the issue. Watch this 2015 video from former Congressman Chris Cox and stay tuned for upcoming conference calls and discussions as the situation develops.

[View Video](#)

State of the State Analysis

A Tale of Two States: Center for State Fiscal Reform Analyzes California and Arizona

Joel Griffith | Center for State Fiscal Reform



The Center for State Fiscal Reform continues its in-depth analyses of State of the State addresses from across the nation. The center is focused on highlighting both strong and weak tax policies outlined in the speeches, and their effects on the specific states. New the week are analyses of two states with vastly different agendas: California and Arizona. To view all the responses so far, follow the link below.

[View Articles](#)

= A

Infrastructure Focus

Trump Infrastructure: Plan is Out, Details to Come

Robert Ordway | Commerce, Insurance and Economic Development



Earlier this week, the Trump Administration released its \$1.5 trillion infrastructure plan. From an accountability perspective, the White House believes that for too long, locals have delayed projects while waiting for federal grants to come through, creating a strong disincentive to develop their own revenue generating sources. Success here will ensure investment in infrastructure happens as needed instead of after a major accident or infrastructure failure occurs.

[Read Article](#)

Intellectual Property

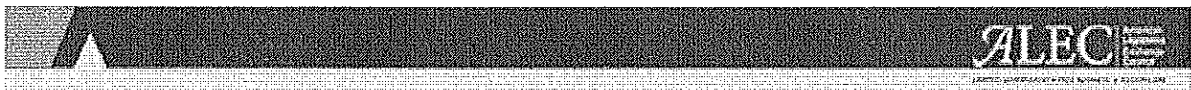
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Communications and Technology Update: February 16, 2018



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Dear Members of the Communications & Technology Task Force,

Greetings! I hope you are all doing well.

There is quite a bit to write about since the last newsletter. Picking just the highlights is tough, but I will try.

- After a very successful tax reform debate, legislative attention will probably next fall on infrastructure, among other things. President Trump's infrastructure bill includes provisions designed to help speed broadband deployment, especially in rural areas.
- President Trump nominated three highly qualified individuals to the Federal Trade Commission. Once confirmed, the FTC will be able to function as designed for the first time in over a year, including investigating and enforcing consumer protection standards.
- A number of states have either introduced proposals or a few governors have signed executive orders designed to conflict with the FCC's Restoring Internet Freedom Order.

Make sure to check out some of the highlights of the ALEC academy held at the Consumer Electronics Show (CES) last month. CES highlights the best in innovation and technology. Companies debut technologies they expect to release later in the year and the technologies of tomorrow.

If you have not yet reviewed and followed the process for applying to the FCC's Intragovernmental Affairs Committee (IAC), please do so before time runs out.

Finally, registration for the Spring Task Force Summit in Grand Rapids, Michigan is open. I would really like to see and talk with you at the Amway Grand Plaza on Friday, April 27, so make sure to reserve your spot and room as soon as possible. We will have a lot to discuss, and I have invited FCC Commissioner Brendan Carr to speak. More details regarding topics will follow in the coming weeks. And if you can do me a huge favor, please take 30 seconds or so and let me know what topics you want to be discussed at STFS using this [survey](#).

If you have any questions, please feel free to reach out. My email address is jhauenschild@alec.org.

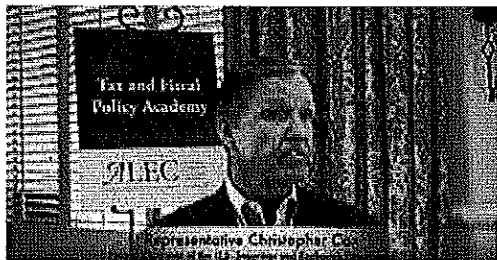
Regards,

Jonathon Paul Hauenschild, J.D.

Talking About Taxation

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California Congressman Chris Cox Discusses Online Sales Tax



[Watch Video](#)

Taxation without representation could again be the rule of the land. The U.S. Supreme Court is considering a case to remove physical presence as a requirement for the government authority to tax a person. Legislators need to make sure they are familiar with the basics on the issue. Watch this 2015 video from former Congressman Chris Cox and stay tuned for upcoming conference calls and discussions as the situation develops.

What I Am Writing

- The political left is attacking big tech. Those who fund leftist think tanks, such as George Soros, want to push the narrative that technology companies take advantage of consumers by monetizing their personal data. Is this accurate, or do companies offer valuable services to consumers where consumers are willing to provide some data to the company in exchange for access to the product or service?
 - In signs the free market works, Unilever and P&G are using their strength as advertisers to effectuate advertising policy at social media companies. The advertisers believe they are being harmed when Google runs advertisements for their products as precursors to Logan Paul videos, videos promoting extremist content, and other videos that are not appropriate for children.
 - This year is a busy year for legislative proposals impacting drone operations. State proposals vary from minor updates to unmanned aircraft rules to comprehensive legislative proposals
-

What I Am Reading

- After a successful Falcon Heavy test launch, SpaceX's next Falcon 9 launch will include two satellites designed to test its plan to launch a nationwide satellite broadband network
- States and cities are eagerly looking forward to small cell (5G) deployment. Some states and cities recognize how the technology differs from 4G and are modernizing their laws to eliminate barriers and speed deployment.
- Detroit tried to enacted ordinances that would prohibit homeowners from renting rooms to overnight guests. After an outcry from homeowners, Detroit announced it would not enforce the ban and would seek to refine the ordinance's language.
- The political left is attacking so-called "big tech." One of E-Bay's co-founders just announced the formation of a non-profit focused elevating the issue(s) of

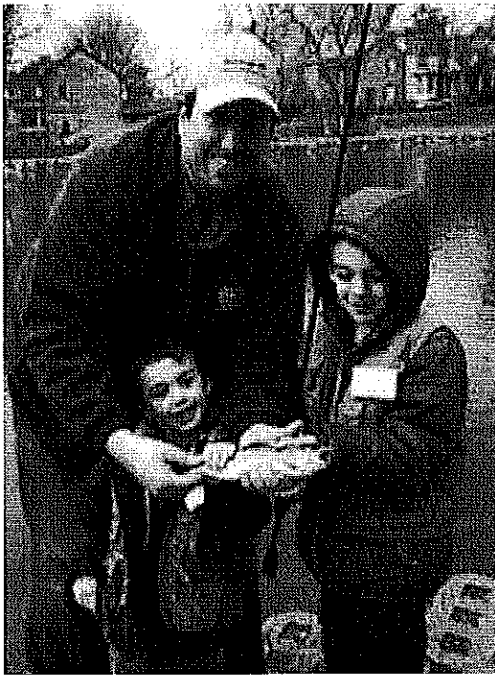
tech addiction and the perceived public health impact of tech related addictions.

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ALEC/FreedomWorks Legislator of the Week

Legislator of the Week and Year

Representative Seth Grove | PA-196



= A This week, ALEC and FreedomWorks introduce **Pennsylvania State Representative Seth Grove**. Representative Grove is not only this week's Legislator of the Week, he was also awarded the **2017 Legislator of the Year** at the *ALEC States and Nation Policy Summit* in Nashville, TN due in no small part to being a champion for fiscal restraint in Pennsylvania.

Representative Grove works with his fellow legislators on the Pennsylvania Taxpayers' Caucus and at ALEC to bring sound fiscal policy, as well as "big ideas and big changes" to his state.

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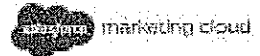


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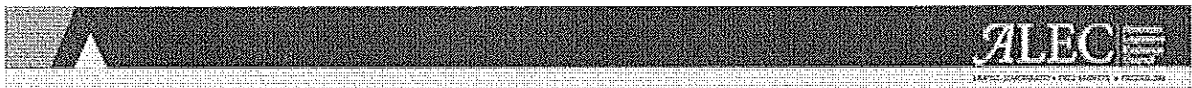
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Center for State Fiscal Reform - February 20, 2018



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***The Australian:* High-Tax Refugees Flock to Cheaper Republican States**

Cameron Stewart | *The Australian*



The Australian covered the migration of people from high tax to low tax states. ALEC Chief Economist and Center for State Fiscal Reform VP Jonathan Williams and Tax and Fiscal Policy Task Force Director Joel Griffith were significant contributors to the article. See how ALEC tax experts reach an international audience.

[Read Article](#)

Hear From the Experts

Pulling The Reins: Slowing Government Growth With A Conservative Spending Limit

Texas Public Policy Foundation



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ALEC Chief Economist and VP of the Center for State Fiscal Reform Jonathan Williams joined the Texas Public Policy Foundation for a panel discussion on slowing government growth and spending.

[Watch Video](#)

Expert Opinion

People Flocking to Low-Tax States Could Swing Future Elections

Jonathan Williams | Center for State Fiscal Reform | *The Hill*



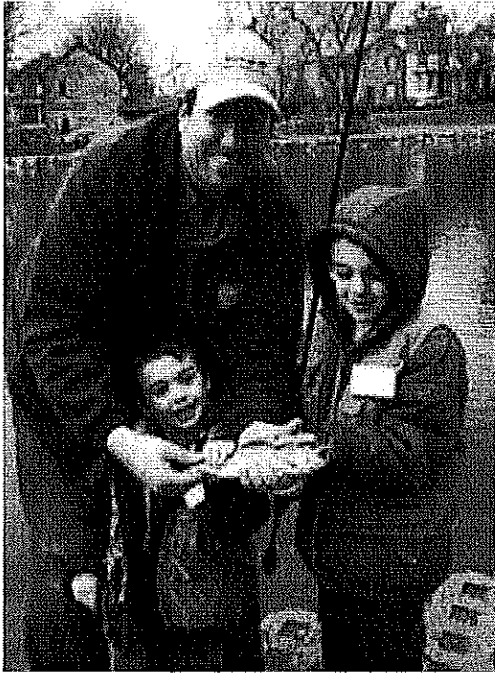
Americans are voting with their wallets in response to policy decisions and state competitiveness. The new census migration data reveals that millions of people are moving their families, businesses and incomes to states that are more economically competitive.

[Read Article](#)

ALEC-FreedomWorks Legislator of the Week

Legislator of the Week and Year

Representative Seth Grove | PA-196



This week, ALEC and FreedomWorks introduce **Pennsylvania State Representative Seth Grove**. Representative Grove is not only this week's Legislator of the Week, he was also awarded the **2017 Legislator of the Year** at the *ALEC States and Nation Policy Summit* in Nashville, TN due in no small part to being a champion for fiscal restraint in Pennsylvania.

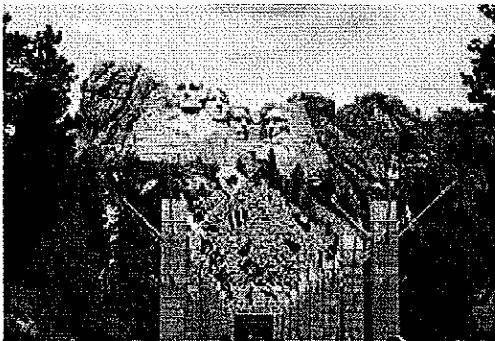
Representative Grove works with his fellow legislators on the Pennsylvania Taxpayers' Caucus and at ALEC to bring sound fiscal policy, as well as "big ideas and big changes" to his state.

[Read Article](#)

Legislator Voices

South Dakotans Are Losing Economic Freedoms

SD Representative Taffy Howard | *The Argus Leader*



South Dakota's economy is reacting to the growth in government and in a negative way. Its citizens are the best economic engine this state will ever have. Its citizens will grow this state more than any government program ever will and it is time government recognizes that and allow our citizens the economic freedom to drive this state forward.

[Read Article](#)

State of the State Response: MI

A Comeback Story

Christine Smith | Center for State Fiscal Reform



Fortune is changing in the state of Michigan following decades of extreme economic adversity, from the rapid downturn in the auto industry to the downward population spiral in Detroit. Governor Rick Snyder delivered his last State of the State address in an optimistic tone, emphasizing how several substantive policy changes embraced by the governor have sparked dramatic economic improvement in the state.

[Read Article](#)

State of the State Response: KY

Governor Bevin Commits to Tax and Pension Reform

Christine Smith | Center for State Fiscal Reform



The governor stressed the need to “get the state’s financial house in order” by thinking strategically about what government dollars should and should not be funding with a laser- sharp focus on “2PIE” (protection, infrastructure, and education). Pension reform was another major component of Bevin’s address, declaring that “this year they will be funded in their entirety for the first time in the history of the Commonwealth of Kentucky.”

[Read Article](#)

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Online Sales Tax

Don't Let States Put Their Sales Tax on Delaware Businesses

Jonathan Williams | Center for State Fiscal Reform | *Delaware Online*



In an effort to boost revenue, some state policymakers in other states are looking to reach outside of their borders and force Delaware-based businesses to serve as their tax collectors. This would apply to Delaware businesses that simply sell products to out-of-state residents over the Internet. This should be concerning news to every resident and business owner = 2 especially in no-sales-tax states.

[Read Article](#)

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The Williams Report

Williams Report February Update

Bob Williams | Senior Scholar, Center for State Fiscal Reform



ALEC tax scholar Bob Williams highlights important articles dealing with the budget and pensions in the states, covering January and the early part of February.

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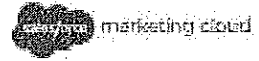
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Communications and Technology Task Force 65-Day Notice

Thank you for being a member of the Task Force on Communications & Technology. I am writing to inform you of some upcoming deadlines for the ALEC Spring Task Force Summit in Grand Rapids, Michigan on April 27, 2018.

I am working on the agenda right now. I have invited FCC Commissioner Brendan Carr to speak at the Task Force meeting. We will have a discussion regarding the Supreme Court case of *South Dakota v. Wayfair*, which is seeking to overturn the *Quill* standard of physical presence for sales tax purposes. See below for some important dates related to our meeting:

- **March 13, 2018** – 45-Day Policy Submission Deadline. If you would like to introduce new model policy please send me the draft language by that deadline.
- **March 28, 2018** – 30-Day Notice Published. This will contain a draft of the Task Force Meeting Agendas and model policies scheduled for consideration and review at the Task Force Meeting.
- **April 6, 2018** – Early Bird Registration and Housing Deadline
- **April 27, 2018**– Task Force Meeting

To vote on these model policies and engage in the important policy discussions, [register for the ALEC Spring Task Force Summit here!](#)

Feel free to reach out to me for any questions, and I look forward to seeing you in Grand Rapids!

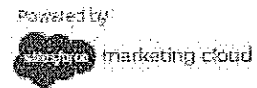
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Jonathon Paul Hauenschild, J.D.
Director, Task Force on Communications & Technology

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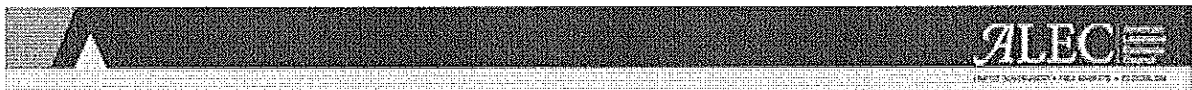
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ALEC Digital Exchange: February 22, 2018



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New Publication

ALEC Releases *State Tax Cut Roundup* for 2017 Legislative Session

Center for State Fiscal Reform

State Tax Cut Roundup



2017 Legislative Session

The Center for State Fiscal Reform released the 2017 edition of the *State Tax Cut Roundup*. The report details the efforts of the nine qualifying states that enacted pro-growth tax and budget reform during the 2017 legislative session.

[Read Report](#)

Online Sales Tax

Don't Let States Put Their Sales Tax on Delaware Businesses

Jonathan Williams | Center for State Fiscal Reform | *Delaware Online*



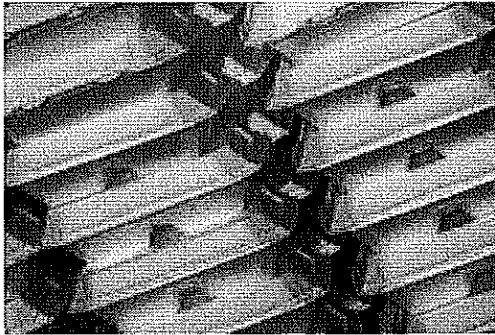
In an effort to boost revenue, some state policymakers in other states are looking to reach outside of their borders and force Delaware-based businesses to serve as their tax collectors. This would apply to Delaware businesses that simply sell products to out-of-state residents over the Internet. This should be concerning news to every resident and business owner – especially in no-sales-tax states.

[Read Article](#)

Environment and Innovation

Bad Container Policies Make Takeout, Shopping More Expensive

Grant Kidwell | Energy, Environment and Agriculture



Whether it be a plastic bag, styrofoam container, or a cardboard pizza box, having a simple, inexpensive, lightweight container to carry meals in is what makes takeout possible. These are also essential for transporting groceries or any of the other items people buy. Taxes or fees on auxiliary containers, as well as outright bans, are regressive and impact lower-income households the most.

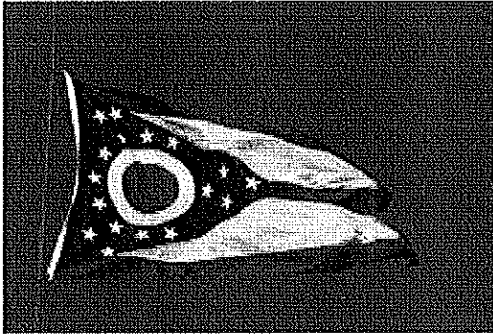
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State of the State Analysis

State of the State: Center for State Fiscal Reform Analyzes Ohio and Oregon

Joel Griffith and Elliot Young | Center for State Fiscal Reform



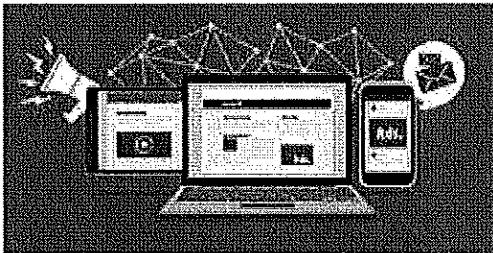
The Center for State Fiscal Reform continues its in-depth analyses of State of the State addresses from across the nation. The center is focused on highlighting both strong and weak tax policies outlined in the speeches, and their effects on the specific states. New this week are the analyses of [Ohio](#) and [Oregon](#). To see all the responses so far, follow the link below.

[View Articles](#)

Communication and Technology

Private Sector Spurring Tech Companies to Change Advertising Practices

Jonathon Hauenschild | Communication and Technology



= A Technology companies will respond in more immediate fashion to the prospective loss of revenue than to the threat of government action. In other words, the private sector is far more effective at driving change than federal or state governments.

[Read Article](#)

ALEC-FreedomWorks Legislator of the Week

Turning West Virginia Around

Senator Patricia Rucker | WV-16



This week, ALEC and FreedomWorks introduce **West Virginia State Senator Patricia Rucker**. Senator Rucker is a first-generation Venezuelan-American and outspoken proponent of limited government policies. Rucker believes that the state government is "too big with excessive and burdensome regulation. We need to scale it back to a more reasonable size to allow our economy to grow."

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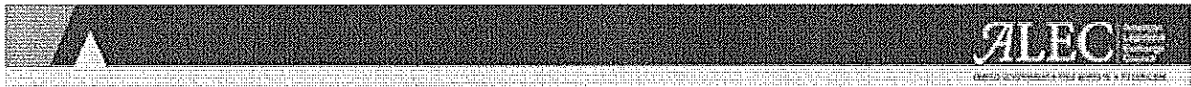
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Center to Restore the Balance of Government
February 27, 2018



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Chairman's Corner

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A Message from Iowa House Speaker and Chair of the ALEC Center to Restore the Balance of Government Linda Upmeyer

= A Federalism is the linchpin of America's system of governance. It is woven so seamlessly into the fabric of our nation that it escapes notice until the delicate balance between local, state and national governance is disrupted. In spite of its impact on almost every aspect of our lives, federalism is often treated as a lofty concept, rather than a common sense system that employs the simple logic that real solutions are found in the fifty laboratories of democracy, not one-size fits all federal government policies that disregard regional differences and local community needs.

When I launched the ALEC Center to Restore the Balance of Government, I pledged that the Center would provide practical tools to state lawmakers to strengthen federalism within their states and to recognize federal encroachment into areas better left to state control. To further that goal, the Center Newsletter will launch a new series called the **Chairman's Corner**, which will be a regular segment authored by a state lawmaker highlighting a specific state sovereignty topic taking place in the legislator's state. Exposing the real world challenges that state lawmakers face every day will provide pragmatic best practices for some of our legislator readers and will help to make federalism come

alive for the non-legislators in the Newsletter's audience who do not live them every day. The first topic in the series is "[Health Care and the Individual Insurance Market](#)" 0

International Democracy

Taiwan Offers a Glimmer of Hope for Democracy

Karla Jones | Federalism and International Relations Task Force



After many decades of forward progress, rule of law and democratic norms are in a global free fall. Countries that were once solid members of the democratic community such as [Turkey](#), [Venezuela](#), [Poland](#) and the [Philippines](#) have slid toward authoritarian rule imposing media restrictions, weakening their judiciaries and even dissolving legislative chambers.

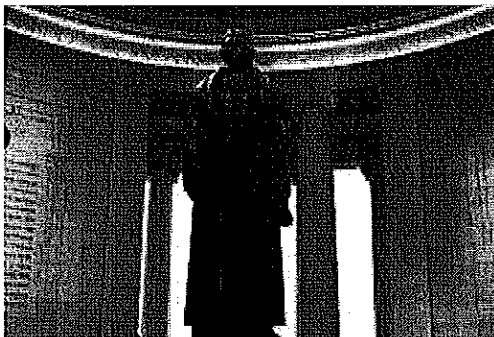
Against this bleak backdrop, Taiwan's tenacious grasp on freedom despite challenges from its cross-strait neighbor is remarkable and emblematic of this island democracy's power and appeal. [Read more about this democratic success story.](#)

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Focus on Federalism

2018: The Year of the States

Karla Jones | Federalism and International Relations Task Force



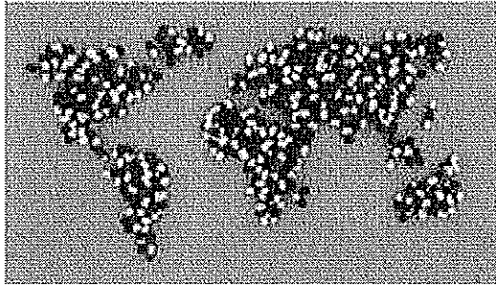
Conventional wisdom holds that 2018 is the "Year of the Woman." There is no doubt that women have and will continue to figure prominently this year, however I predict that we will also look back on 2018 as [the year of the states.](#)

Intellectual Property Update

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The Global Innovation Policy Center Releases the Sixth Edition of the *International IP Index*

Karla Jones | Federalism and International Relations Task Force



Enshrined in the U.S. Constitution, intellectual property rights are part of America's constitutional heritage. Millions of American jobs owe their existence to the innovation economy and IP-intensive industries tend to offer higher wages than other industries. With globalization, strong domestic IP rights protections are no longer sufficient -- America's economic partners also need to uphold similarly robust IP protection and enforcement standards. The U.S. Chamber of Commerce's *International Intellectual Property Index* is an invaluable contribution because it tracks global adherence to IP norms and articulates the economic benefits enjoyed by countries that enforce strong IP protections. Read more [here](#).

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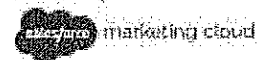


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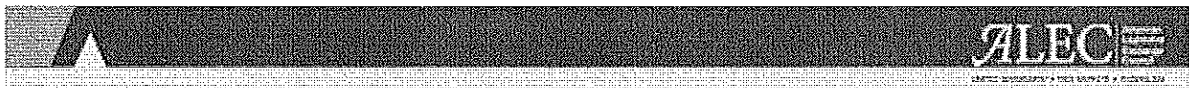
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ALEC In Action

ALEC Joins Rally for Mark Janus at U.S. Supreme Court

Robert Ordway | Commerce, Insurance and Economic Development



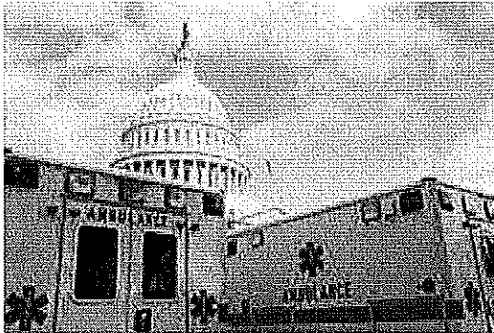
ALEC Staff joined hundreds of workers, teachers, policy professionals and many others outside the United States Supreme Court to rally in support of Mark Janus in his worker freedom case being heard by the court. Some see this case as an opportunity to expand worker freedom through choice, making it a potentially landmark decision in labor reform. To learn more about the *Janus* case and the judicial history of worker freedom, follow the link below.

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Legislator Voices

Health Care and the Individual Insurance Market

Speaker Linda Upmeyer | Iowa State Legislature



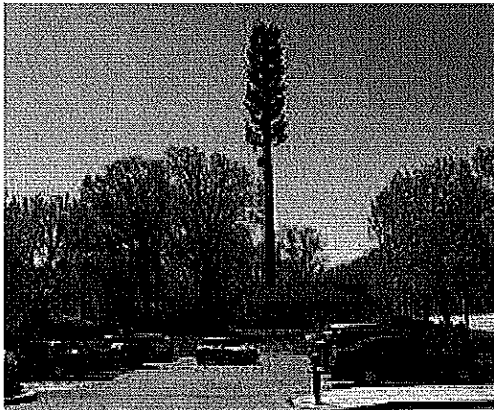
Iowa once had a stable and affordable health insurance market. Premiums were low, consumers had several choices, and our uninsured rate was lower than the national average. Following the enactment of Obamacare and its mandates, Iowa's market has collapsed. Iowa's unfortunate story is similar to many other states. It is time for states to act and do what they can to provide their citizens with affordable and accessible health coverage.

[Read Article](#)

Communication and Technology

FCC Announces Wireless Broadband Federal Review and Approval Modernizations

Jonathon Hauenschild | Communication and Technology



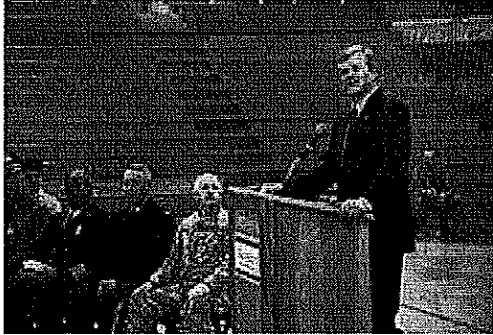
Is it possible for government to spur infrastructure spending and growth without spending a dime? That is what the Federal Communications Commission plans to do, according to a proposal discussed recently by Commissioner Carr. In a nutshell, the proposal would speed the process for deploying the next generation of broadband and mobile technology, and reducing both time and cost of implementation.

[Read Article](#)

State of the State Analysis

State of the State: Center for State Fiscal Reform Looks Eastward

Thurston Powers | Center for State Fiscal Reform



The Center for State Fiscal Reform continues its in-depth analyses of State of the State addresses from across the nation. The center is focused on highlighting both strong and weak fiscal policies outlined in the speeches, and their effects on the specific states. New this week are the analyses of eastern seaboard states **Virginia, Maryland and Massachusetts**. To see all the responses so far, follow the link below.

[View Articles](#)

ALEC-FreedomWorks Legislator of the Week

A Standard Bearer for Tax Reform in North Carolina

Representative Jason Saine | NC-97



This week, ALEC and FreedomWorks introduce **North Carolina Representative Jason Saine**. Representative Saine also serves as the 2018 National Chairman of the American Legislative Exchange Council. Saine has been a driving force behind tax reform in his home state, and is proud of the results, saying, "We've seen surplus year after year while cutting taxes and keeping spending in line with the growth of our state economy."

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STFS 2018

Register Now for the Spring Task Force Summit



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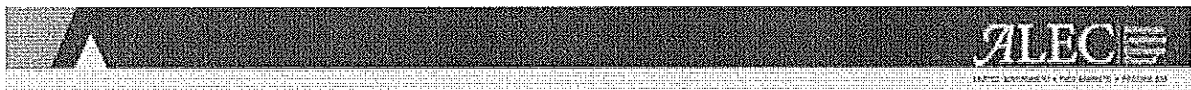
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Dear Legislators,

Please read this email.

During the mid-terms (and every election year), it's never too early to start thinking about what you've heard me call "silly season"—that time in an election cycle when any claim made on the internet or by your opposition must be true. Often, while on the campaign trail legislators are asked loaded questions, are the targets of online and direct-mail attacks, or any number of other charges and accusations that just don't make sense.

Because of the political and policy landscape, and because free-market control of state legislatures and redistricting hangs in the balance, we expect 2018 to be a particularly contentious and vitriolic campaign season. Activists from San Francisco, New York, Madison and elsewhere will challenge your support for the free-market.

When managing and responding to these attacks, it is important to remember your true north—what you stand for... and, remember what you know to be true about the people and organizations with whom you affiliate.

The ALEC public affairs team is always available to help you respond to inquiries

and put together a helpful [talking points document](#) for your use. The linked talking points provide helpful responses should you receive questions. But also, remember the answer is quite simple: If asked, talk about your most recent task force experience. What did you do? What was it like? What was discussed? What positive policy idea that would help the people of your state was discussed?

If you have additional questions, please reach out to Bill Meierling at WMeierling@alec.org.

Over the past several years, ALEC welcomed hundreds of journalists to its meetings and conducted thousands of interviews. One must actively avoid information about ALEC to call it dark and secretive. Further, all model policy, both draft and approved are posted on the [ALEC website](#).

As you know, ALEC is a nonpartisan, voluntary membership organization. Every legislator and organization is welcome to join and participate in the exchange of limited government, free market and federalism focused ideas. More voices and perspectives make ALEC stronger and make our policies better. In fact, **one of the principal reasons legislators say they trust ALEC policy is because it is more deeply vetted and more fully debated before it becomes a model.**

Even though silly season is on the horizon, you have the tools to succeed and ALEC will be with you along the way. Speak your truth, stand up for what you believe in and lean on the ALEC staff whenever you have questions.

Sincerely,

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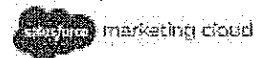
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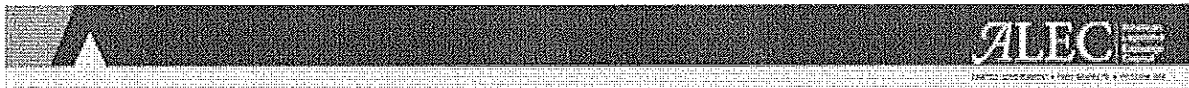
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Dear members,

As ALEC celebrates its 45th anniversary this year, I have the opportunity to reflect on the most pressing issues facing business today and how there is now a new context for your government relations and shareholder engagement strategy. You must be agile and ready to adapt.

Since Citizens United activists have aimed to change corporations rather than laws in order to reach what they call a fairer society. And while many shareholder proposals yield positive change for companies and the American people—for instance moves to increase board diversity or make it a corporate priority to hire veterans, the elderly or people with criminal records.

We all know that **not all shareholder proposals are created equal**. In many cases, these proposals—if instituted—would fundamentally impact a company's ability to operate and grow. Seemingly unrelated proposals as outlined below have been coordinated to place a company in disarray or to force change. Shareholder groups also coordinate with other outside groups to create public pressure.

Last year, McDonald's received seven shareholder resolutions from groups on issues ranging from political spending to the \$15-minimum wage to the use of

antibiotics in the chicken it sources. All seven shareholder resolutions (brought by the Benedictine Sisters of Boerne, Texas; Harrington Investments; Thomas August; and others) were coordinated through Proxy Preview, a project of As You Sow. At the same time as McDonald's received these shareholder resolutions, progressive activist groups ran campaigns targeting the company's public relations and marketing efforts: Color of Change on wages and the Public Interest Research Group and the Fund for the Public Interest on antibiotics in chicken. All claim victory for the change in McDonald's policy.

Why this matters: As an individual you might not want antibiotics in your chicken, but what if the shareholder resolution your company received inhibited your ability to sell what you sell, make what you make, or decide how and to whom you give political contributions. **In 2015, Proxy Preview coordinated 421 shareholder resolutions against 267 companies—26 percent of the resolutions were about disclosure of political spending.** 19 resolutions demanded companies end their relationship with the U.S. Chamber of Commerce, National Federation of Independent Business and/or ALEC.

As a government relations professional, this matters to you. It's up to you to ensure your executives are briefed about the orchestration of brand disruption campaigns.

If you are interested in learning what Proxy Preview has in store for your company, I encourage you to join their webinar next Thursday March 8, from 2:00 PM - 3:00 PM EST. You can sign up at: <https://register.gotowebinar.com/register/5016521090349259778>.

Activist shareholder resolutions rarely pass or become company policy.

But, they have ~~5~~ over time—dramatically changed the corporate and investor landscape. There is no better indicator of the shift than a letter written in January by BlackRock Investment CEO Larry Fink. His firm manages more than \$6 trillion in investments. Fink's annual letters often touch upon "long-term value creation," but it is interesting to note how his definition has changed between 2015 and 2018. In 2015, "long-term value creation" focused on listening to long-term owners/investors in a company to maximize profit. This January, the definition changed to a focus on Environmental, Social and Governance-focused investing practices. In his January 12 letter, Fink noted:

"To prosper over time, every company must not only deliver financial performance, but also show how it makes a positive contribution to society. Companies must benefit all of their stakeholders, including shareholders,

employees, customers, and the communities in which they operate." He continued, "Without a sense of purpose, no company, either public or private, can achieve its full potential...It will remain exposed to activist campaigns that articulate a clearer goal, even if that goal serves only the shortest and narrowest of objectives."

Fink's letter foreshadows a change in focus from your shareholders to someone else's stakeholders.

Less than one month later, on February 7, BlackRock announced a \$10 Billion buyout fund to be led by two former senior executives of the **Canadian Public Sector Pension Fund**.

With all of the vitriol and brinksmanship in the national political discourse, you can surely expect it to spill over into this year's shareholder meetings. Don't let a vocal minority cloud the goals of your business' long-term strategy. Your company knows best how to grow, and part of your strategy is most certainly participation with groups and organizations that share an uncompromising commitment to lower taxes, innovation, free trade, economic security and protecting the long-term interests of hardworking taxpayers.

ALEC closely follows the activist investor landscape. If you have questions or desire an in-depth presentation including steps you can take to mitigate potential challenges, please reach out to me as soon as possible. With shareholder season heating up, we want you to be armed with the best and most actionable information possible.

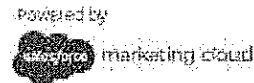
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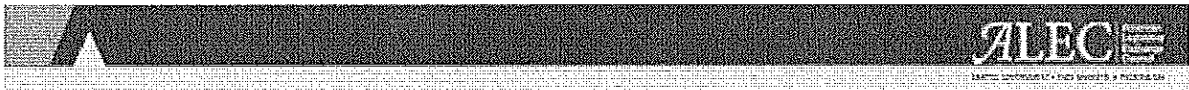
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Events and Education - March 6, 2018



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Register for Spring Task Force Summit Today

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ALEC in Action

ALEC Joins Janus Rally at Supreme Court

Robert Ordway | Commerce, Insurance and Economic Development



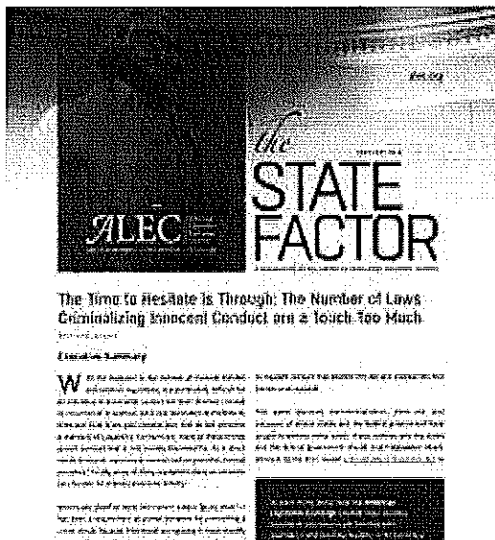
ALEC Staff joined workers, teachers, policy professionals and others outside the United States Supreme Court to rally in support of Mark Janus in his worker freedom case being heard by the court. Some see this case as an opportunity to expand worker freedom through choice, making it a potentially landmark decision in labor reform. To learn more about the history and importance of this issue, read the article linked below.

[Read Article](#)

Recent Publications

Stay Current with ALEC Publications

American Legislative Exchange Council



ALEC scholars and directors work to provide you with education on the issues that matter to you. In the last month, ALEC has released two publications: **The Time to Hesitate is Through: The Number of Laws Criminalizing Innocent Conduct is a Touch Too Much**, which deals with overcriminalization and *mens rea* reform; and the **2017 State Tax Cut Roundup**, which concerns tax reform at the state level over the past legislative session. To check out all ALEC publications, follow the link below.

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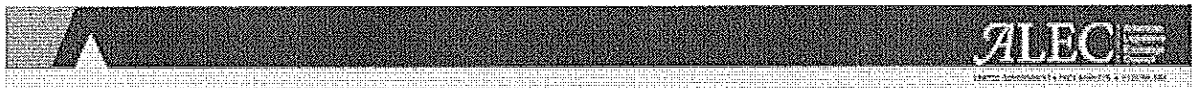
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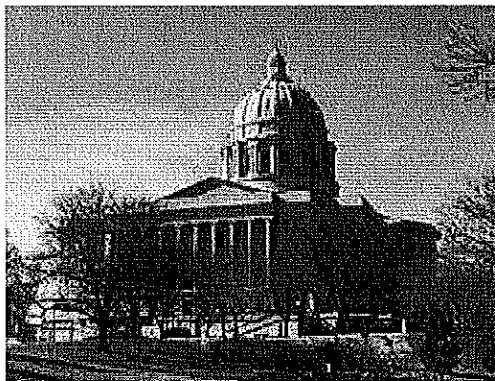
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ALEC In The News

North Carolina, Not Kansas, Is the Tax Cut Model

MO Senator Ed Emery and Jonathan Williams | *Kansas City Star*

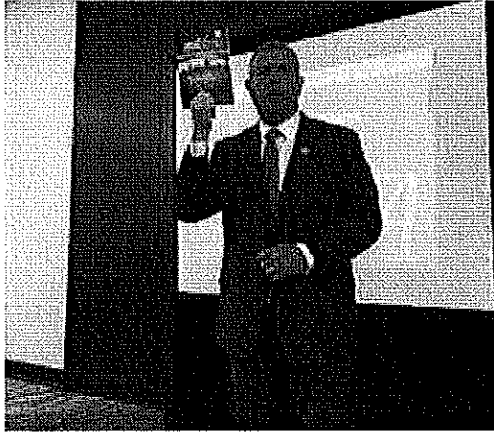


Kansas is the left's favorite red herring to distract attention from major tax reform success stories like North Carolina, Indiana and Wisconsin, to name just a few. There are right and wrong ways to go about tax reform, and the overspending pitfalls from Kansas should be kept in mind. However, North Carolina provides Missouri with a better road map for tax reform that works.

[Read Article](#)

ALEC In the States

Membership Events Energize Members, Grow ALEC



Over the last week, ALEC Staff have been in the states, working with our members to drive excitement for this year's events and meetings, and to meet legislators who can benefit from membership. **Events in Mississippi generated 33 new members, while Kansas events gained another 5.** ALEC is looking forward to working with these new members in the coming year. If you know someone who would benefit from ALEC membership, follow the link below.

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ALEC In Action

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Center for State Fiscal Reform Goes to New Mexico

Jonathan Williams | Center for State Fiscal Reform

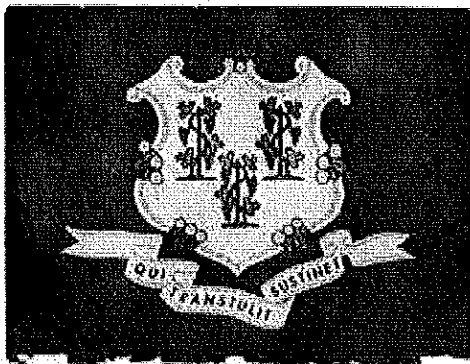


Jonathan Williams of the Center for State Fiscal Reform joined the New Mexico Business Coalition to discuss economic competitiveness and New Mexico's economic outlook. The event was attended by nearly 200 concerned business and community leaders from across the state. You can view photos from the event [here](#) and [here](#).

Criminal Justice

Connecticut Continues to Seek Improvements to its Asset Forfeiture Process

Ronald J. Lampard | Criminal Justice



= 9Last year, Connecticut joined a growing list of states that have passed civil asset forfeiture laws to make it more difficult for government agencies to take property from its citizens. In fact, last year Connecticut abolished civil asset forfeiture and replaced it with criminal forfeiture. The law's passage was a crucial victory for property rights. Now, Connecticut is seeking to close any loopholes that may allow the process to continue.

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ALEC-FreedomWorks Legislator of the Week

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Looking Out For Small Buisnesses in Maryland

Delgate Kathy Szeliga | MD-7



This week, ALEC and FreedomWorks introduce **Maryland Delegate Kathy Szeliga**. Delegate Szeliga is the product of military family, and has operated a general construction contracting business for the last 27 years. Szeliga is wary of big government and unbridled spending, commenting "The ever-growing and overreaching monster of big government is smothering the potential for future generations."

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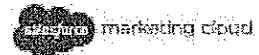
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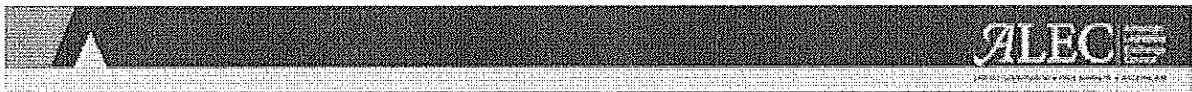


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Communications and Technology Update: March 8, 2018



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Dear Members of the Communications and Technology Task Force,

Greetings!! The past few weeks have been full of communications and technology news. The purpose of this letter is to highlight a few of the policies that have been introduced, highlight a few opportunities for you to get involved in policy discussions, and to remind you that the Spring Task Force Summit is right around the corner. [Register here](#) and make sure to reserve your room at the Amway Grand Plaza!

The FCC just announced plans to streamline the federal historical and environmental review processes for 5G deployment. The Communications and Technology Task Force will be hosting a conference call with FCC staff to discuss this proposal either on Friday, March 16 or sometime the following week. More details will follow as we finalize the plans. In the meantime, though, if you are interested in participating, please email me at jhauenschild@alec.org.

The President announced an infrastructure plan that included proposals for rural broadband deployment, the U.S. House voted on a very bad proposal that will weaken law enforcement's ability to investigate and prosecute online sex trafficking,

and so much more. I have included some of the stories below.

Regards,

Jonathon Hauenschild

Director, Task Force on Communications & Technology

Task Force Opportunites

CAT, along with the Commerce, Insurance, and Economic Development Task Force, is forming a working group for autonomous vehicle (AV) policy. During the States and Nation Policy Summit, AV model policy was introduced and both task forces tabled to work on the wording. If you are interested in participating, please email Michael Slabinski at mslabinski@alec.org.

The FCC is still looking for state legislators to apply to serve on the Intragovernmental Affairs Committee. The process is straight forward—submit a resume and a statement of interest—and is set forth in a public notice. If you are interested in applying and have any questions, please email me at jhauenschild@alec.org.

Stories to Follow

- Yesterday's regulatory schemes will not work for the deployment of tomorrow's wireless broadband networks. The FCC just announced plans to exclude small cells from federal historical and environmental review and to streamline the process for large cell applications.
- Washington state legislators decided to defy the FCC and pass a law preventing wired and wireless broadband providers from engaging in blocking, throttling, or paid prioritization practices. The FCC's Restoring Internet Freedom Order not only repealed the 2015 Open Internet Order, and its classification of the internet as a service subject to common carrier regulation, it also preempted any similar state or local efforts to reinstate the rules.
- The U.S. House passed FOSTA, or the Allow States and Victims to Fight Online Sex Trafficking Act. The only problem is that the proposal would

provide a powerful incentive for online platforms not to moderate their content, thus increasing online sex trafficking.

- Thought leaders from the Left are calling for increased regulation of Big Tech and the use of antitrust theories to break up platforms such as Google. Meanwhile, Facebook is launching a tool to help local newspapers attract viewers and subscribers.

ALEC/FreedomWorks Legislator of the Week

Looking Out For Small Businesses in Maryland

Delgate Kathy Szeliga | MD-7



This week, ALEC and FreedomWorks introduce **Maryland Delegate Kathy Szeliga**. Delegate Szeliga is the product of military family, and has operated a general construction contracting business for the last 27 years. Szeliga is wary of big government and unbridled spending, commenting "The ever-growing and overreaching monster of big government is smothering the potential for future generations."

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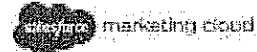


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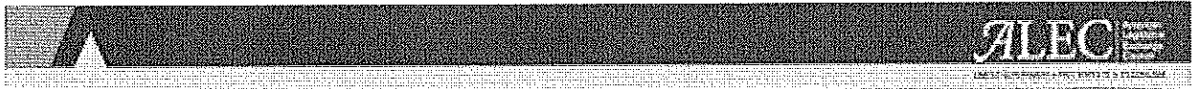
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State Legislators: Congress Needs to Hear From You! Please add Your Name to the Open Letter to Congress

Tell Congress: Requiring Businesses with no "Physical Presence" to Collect State Sales Taxes Violates the Constitution and Harms the U.S. Economy

Dear Members of Congress,

As state legislators, we oppose the attempts to overturn constitutional precedent safeguarding Congress's essential authority to protect interstate commerce from discriminatory regulation and taxation. As a result, commerce has grown, unfettered between the states. Such a populous and geographically expansive free trade zone is largely responsible for the abundance of wealth and opportunity—unrivaled in history—spread across our nation. Unfortunately, some state policymakers are attempting to resolve their overspending problems to look aggressively beyond their own state lines for tax revenue. This misguided bid to resolve their overspending problems utterly violates the constitutional principles that provide a proving ground for innovation, entrepreneurship and small businesses.

The U.S. Constitution was written to replace the Articles of Confederation in no small part due to the latter's failure to prevent a spiraling interior "war" of states who could assert tax and regulatory authority outside their borders and thereby create fiefdoms for themselves. The Constitution's Commerce Clause and subsequent jurisprudence make clear that taxing power must be limited by state borders. Businesses lacking a "substantial nexus" or link to a state through a physical presence" such as offices, employees, or property, cannot be forced to act as tax collection agents for that state (Quill Corp v North Dakota (1992)). If the Supreme Court overturns Quill, state tax collectors would be empowered to reach across their boundaries to collect taxes from non-resident online retailers located outside of their jurisdiction. These retailers could face fines or legal challenges from taxing jurisdictions based on rules in which the online retailers have no voice.

Forcing online retailers to understand and comply with remote rates, exemptions, rules, tax holidays, or other peculiarities of 12,000 different tax jurisdictions (roughly twice as many as existed in 1992) is highly discriminatory. Contrast this with the treatment of sales in similar brick-and-mortar businesses, which only require collection of tax for the jurisdiction in which they are physically located. The compliance costs would fall particularly hard on specialty businesses and small sellers that are dependent on the internet to reach their customers. This would stunt economic dynamism, deter business activity, and unreasonable burden businesses engaging in interstate commerce.

As state legislators, we recognize the threat to growth, and to each of our states, posed by the potential unleashing of aggressive out-of-state tax collectors and auditors on businesses located elsewhere. For nearly 20 years, ALEC members have steadfastly supported the physical presence standard outlined in Quill through model policies such as the Sales and Use Tax Collection Protection Act as well as the 21st Century Commercial Nexus Act. Our constituents overwhelmingly agree (according to a Rasmussen Reports Poll) with our opposition to allowing tax enforcement agents from one state to collect taxes from hardworking individuals and businesses elsewhere. Healthy economic competition in a free market, between the 50 "laboratories of democracy," is at the heart of the American experiment with federalism. Each year, the Rich States, Poor States publication reveals how tax policy affects state tax competition and economic outlook. Blurring—or eliminating—the limits of any individual state's sovereignty—erodes the efficacy of this experiment.

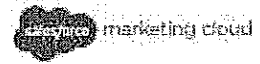
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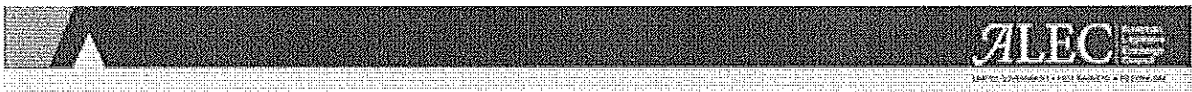
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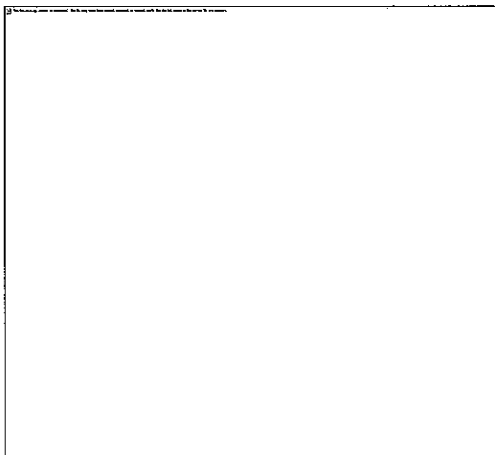
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Online Sales Tax

State Legislators Sign Here: Open Letter to Congress Opposing Internet State Sales Taxes

American Legislative Exchange Council



Forcing online retailers to understand and comply with remote rates, exemptions, rules, tax holidays, or other peculiarities of 12,000 different tax jurisdictions is highly discriminatory. The compliance costs would fall particularly hard on small sellers dependent on the internet to reach their customers, stunting economic dynamism, deterring business activity, and placing an unreasonable burden on businesses engaging in interstate commerce.

Sign the Letter

Criminal Justice Publication

State Factor: The Latest Trends of Asset Forfeiture Transparency and Juvenile Justice

Ronald J. Lampard | Criminal Justice



In 2017, many states passed laws providing for increased transparency of the asset forfeiture process. Another issue that has gained traction in the states is raising the age of juvenile jurisdiction in criminal cases. This publication examines state trends on these two important policy issues.

[View Publication](#)

ALEC In The News

NJ Move Further Underfunds State Pensions

Thurston Powers | Center for State Fiscal Reform | *The Asbury Park Press*



Newly appointed New Jersey State Treasurer Elizabeth Maher Muoio this month increased the state pension system discount rate from 7 to 7.5 percent, while phasing it back down to 7 percent over the next five years. New Jersey's decision to increase its discount rate stands in stark contrast to the majority of state pension plans decreasing their discount rates.

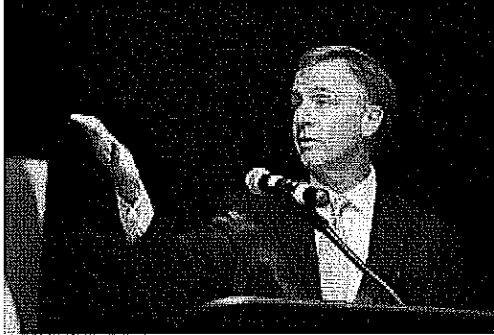
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State of the State Analysis

Center for State Fiscal Reform Analyzes Gubernatorial Addresses

Center for State Fiscal Reform

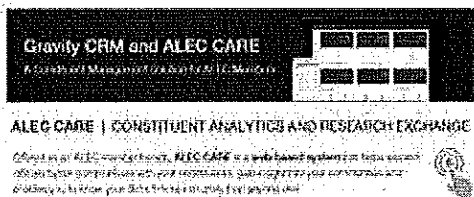


The ALEC Center for State Fiscal Reform continues its analysis of State of the State Addresses across the nation. These analyses identify strong and weak tax and fiscal policies outlined in these speeches and their importance to each state's economic outlook. New this week are: [Georgia](#), [Arkansas](#), [Mississippi](#), [Colorado](#), [South Carolina](#), [New Jersey](#), [Kansas](#), [Tennessee](#), [Rhode Island](#), [Delaware](#) and [Maine](#). To see all the responses so far, follow the link below.

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ALEC Care

Constituent Relations at Your Fingertips



As ALEC members you have access to an online portal to handle all your constituent management needs. Take notes on incoming interactions, track issues of concern, poll constituents for insight. All of this is at your fingertips, simply as a member benefit. To activate your personal account, and schedule an online webinar to review the platform, you can contact our C.A.R.E. Associate, Aaron Gillham, at agillham@alec.org.

ALEC-FreedomWorks Legislator of the Week

Providing a Better Future in Indiana

Representative Woody Burton | IN-58



This week, ALEC and FreedomWorks introduce **Indiana State Representative Woody Burton**. Representative Burton is the current chair of the Commerce, Insurance and Economic Development Task Force at ALEC. When Representative Burton isn't fighting against property taxes, he's committed to fixing Indiana's Child Services system, saying "If I had one wish for our state, it would be that the Department of Child Services would be completely revamped, so that all Hoosier kids can come home to a safe and loving environment."

[Read Article](#)

STFS 2018

Register Now for the Spring Task Force Summit



Early Bird registration is currently open for the 2018 Spring Task Force Summit. The summit will take place on **April 27, 2018 in Grand Rapids, MI**. Click the link below to get more information and register for the conference.

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ALEC Digital Exchange: February 15, 2018



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Criminal Justice

Facebook Live on *Mens Rea* Reform with Task Force Director Ronnie Lampard

Ronald J. Lampard | Criminal Justice



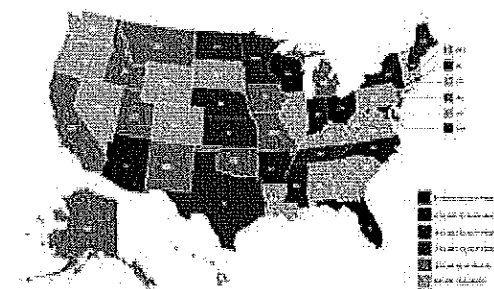
ALEC will host a Facebook Live event on **Friday, February 16 at 1:00 PM** with Criminal Justice Director Ronnie Lampard to discuss the **new State Factor publication on mens rea reform**, as well as discussing how states can benefit from smart criminal justice policy. Tune in to the ALEC Facebook page to hear from our policy expert and ask your questions.

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Tax Cut Roundup

Center for State Fiscal Reform Holds Conference Call on *Tax Cut Roundup*

ARTICLE BY STATE FISCAL REFORM CENTER FOR THE ALEC CENTER FOR STATE FISCAL REFORM



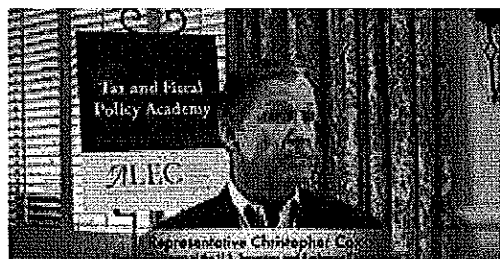
The ALEC Center for State Fiscal Reform will hold a conference call on **Friday, February 16 at 11:00 AM** to discuss the new *Tax Cut Roundup*. To RSVP for the call, fill out the form linked below.

[RSVP For Call](#)

Talking About Tax

California Congressman Chris Cox Covers the Basics of Tax Policy

ALEC Center for State Fiscal Reform



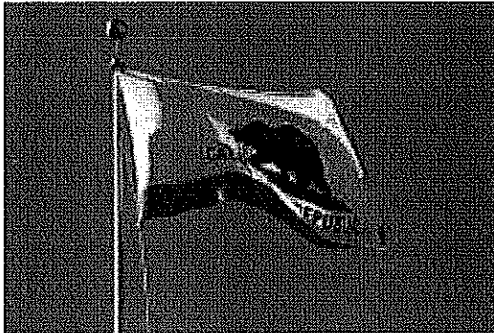
Taxation without representation could again be the rule of the land. The U.S. Supreme Court is considering a case to remove physical presence as a requirement for the government authority to tax a person. Legislators need to make sure they are familiar with the basics on the issue. Watch this 2015 video from former Congressman Chris Cox and stay tuned for upcoming conference calls and discussions as the situation develops.

[View Video](#)

State of the State Analysis

A Tale of Two States: Center for State Fiscal Reform Analyzes California and Arizona

Joel Griffith | Center for State Fiscal Reform



The Center for State Fiscal Reform continues its in-depth analyses of State of the State addresses from across the nation. The center is focused on highlighting both strong and weak tax policies outlined in the speeches, and their effects on the specific states. New the week are analyses of two states with vastly different agendas: California and Arizona. To view all the responses so far, follow the link below.

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Infrastructure Focus

Trump Infrastructure: Plan is Out, Details to Come

Robert Ordway | Commerce, Insurance and Economic Development



Earlier this week, the Trump Administration released its \$1.5 trillion infrastructure plan. From an accountability perspective, the White House believes that for too long, locals have delayed projects while waiting for federal grants to come through, creating a strong disincentive to develop their own revenue generating sources. Success here will ensure investment in infrastructure happens as needed instead of after a major accident or infrastructure failure occurs.

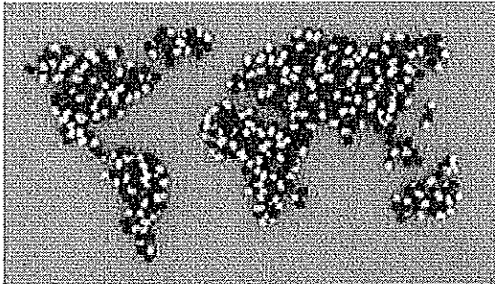
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Intellectual Property

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Create – The Sixth Edition of the U.S. Chamber's *International IP Index*

Karla Jones | Federalism and International Relations



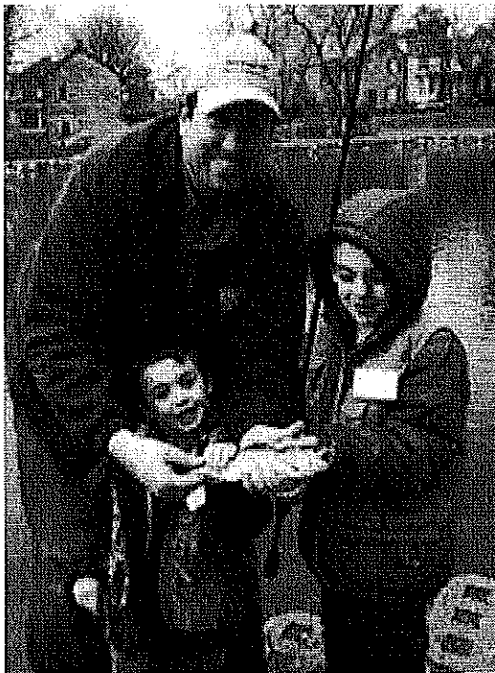
The U.S. Chamber of Commerce's Global Innovation Policy Center (GIPC) just released the sixth edition of the *International IP Index*. Aptly titled *Create*, five new countries (Costa Rica, Ireland, Jordan, Morocco and the Netherlands) have been added to those profiled for a total of 50.

[Read Article](#)

ALEC-FreedomWorks Legislator of the Week

Legislator of the Week and Year

Representative Seth Grove | PA-196



This week, ALEC and FreedomWorks introduce **Pennsylvania State Representative Seth Grove**. Representative Grove is not only this week's Legislator of the Week, he was also awarded the **2017 Legislator of the Year** at the *ALEC States and Nation Policy Summit* in Nashville, TN due in no small part to being a champion for fiscal restraint in Pennsylvania.

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Representative Grove works with his fellow legislators on the Pennsylvania Taxpayers' Caucus and at ALEC to bring sound fiscal policy, as well as "big ideas and big changes" to his state.

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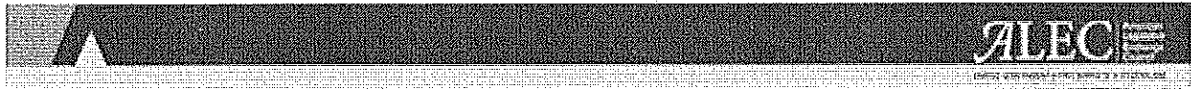
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Center for Innovation and Technology - March 20, 2018

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From Center Director Bartlett Cleland: Video Game Violence and the Game Washington Plays

Almost like clockwork after a tragedy of gun violence, special interests begin pointing fingers. One of the regular targets of such finger pointing is the video game industry. Rather than looking to solve problems, all too predictably there are those who look to exploit the heartbreak of others. The evil perpetrated in Parkland, Florida resulted in the same, although compared to Sandy Hook this time the reactions were a bit more reasonable.

Back then, just days after the horrendous shooting, then-Senator and chairman of the Senate Commerce Committee, Jay Rockefeller, did not miss the opportunity to exploit the situation by calling for a study of video game violence and its effects on children. Not to be shoved down a step on the grandstand, then Vice - President Joe Biden called for more studies to see if any evidence could be found linking violent video games to real life violence, despite the fact that studies show there is no scientific proof linking the two. The goal seemed to be to simply keep

calling for a study until one produced a result he liked. Joe Biden was just playing games.

This time President Trump held a meeting at the White House with video game executives and watchdog groups, and to the credit of the White House, attendees reported that no planned actions were announced. Hopefully this is a sign that the political class is beginning to appreciate the facts.

The facts:

- Study after study has shown that there is no causal link between video games and violence. Similarly, no causal link has been found media violence and violent crime.
- Exactly during the time that video game sales and popularity have exploded, violent crime has dramatically decreased.
- The U.S. Supreme Court, U.S. Surgeon General, Federal Communications Commission and the Federal Trade Commission studied the scientific record and did not find a causal link between violent programming and violent behavior.
- The average game player is 35 years old.
- A whopping 90 percent of time parents are present when children are buying or renting videogames.
- Ninety-four percent of the time parents are monitoring the content of the games their children are playing.
- Parents report that existing voluntary video game industry standards and the restrictions on sales put in place by the industry are helpful, accurate and reliable. The ESRB system that has long been hailed in many quarters as the standard to be followed for industry responsibility and self-regulation.
- New video game consoles include parental controls that limit access to games based on the ESRB ratings. Ninety-four percent of parents find these controls useful.

The focus on emotional leaps and assumptions, such that video games lead to gun violence, only result in one thing, that is, real solutions to protecting our children are ignored. Where video games are concerned, parental responsibility is the key. No amount of liberty limiting laws will meet the challenge. All credible research makes the same point: The key to protecting kids is a multilayered approach combining technology, law enforcement, caregiver oversight and private educational efforts such as the voluntary rating system.

Parents overwhelmingly understand their roles and are acting appropriately. Blaming entertainment software for violence and even specific violent acts, seems to a game that is only played in Washington by special interests and grandstanding politicians



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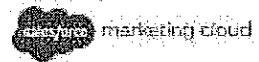


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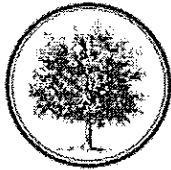
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March 21, 2018

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The Buckeye Institute: Occupational Licensing is a Red-Taped Obstacle for Workers

*Greg Lawson Testifies Before the Ohio Senate Government
Oversight and Reform Committee on Senate Bill 255*

Columbus, OH -- The Buckeye Institute's Greg R. Lawson testified today (see full text below or **download a PDF**) before the Ohio Senate Government Oversight and Reform Committee on Senate Bill 255.

In opening his testimony, Lawson said of Ohio's occupational licensing requirements, "No one denies that state licensing requirements are needed in some cases and industries to ensure public safety...But these concerns fade quickly when applied to auctioneers, travel

guides, and hairdressers -- all of whom are subject to Ohio's byzantine licensing requirements."

Lawson also pointed to the state's burdensome occupational licensing as a factor slowing Ohio's economic recovery and impacting Ohio's minority communities, "State permission slip policies that make it harder and more expensive to find work only exacerbate the problem." Going on later to note that while the state's labor force participation has improved in recent years it remains below the national average and "Occupational licensing hurdles only make Ohio's full recovery more difficult."

The research in support of reducing occupational licensing spans the political spectrum with Lawson highlighting research by the **Heritage Foundation**, **National Bureau of Economic Research**, the **Brookings Institute's Hamilton Project**, and **Democratic and Republican** administrations. He also highlighted Buckeye's own research, *Forbidden to Succeed: How Licensure Laws Hold Ohioans Back* and *Still Forbidden to Succeed: The Negative Effects of Occupational Licensing on Ohio's Workforce*.

In closing, Lawson urged policymakers to reform Ohio's occupational licensing regulations saying, "Senate Bill 255 begins the overdue effort of reforming the state's occupational licensing regime and ending a misguided permission slip policy that has stood in the way of growth and prosperity for far too long."

###

**Interested Party Testimony on Senate Bill 255
Before the Ohio Senate Government Oversight and Reform Committee**

**Greg R. Lawson, Research Fellow
The Buckeye Institute
March 21, 2018**

Chairman Coley, Vice Chair Uecker, Ranking Member Schiavoni, and members of the Committee, thank you for the opportunity to testify today regarding Senate Bill 255 and Ohio's need for occupational licensing reform.

My name is Greg R. Lawson. I am the research fellow at **The Buckeye Institute**, an independent research and educational institution -- a think tank -- whose mission is to advance free-market public policy in the states.

Ohioans should not have to ask the state for permission to earn a living. Yet, all too often, Ohio creates permission slip policies that make it harder -- and sometimes impossible -- for Ohioans or would-be Ohioans to pursue their careers and put food on the table for their families. Such policies must end.

No one denies that state licensing requirements are needed in some cases and industries to ensure public safety. Requiring appropriate education and training for physicians, healthcare providers, pilots, and truck drivers, for example, helps safeguard the general public in our hospitals and on our roads and runways. But these concerns fade quickly when applied to auctioneers, travel guides, and hairdressers -- all of whom are subject to Ohio's byzantine licensing requirements.

Consider Jennifer McClellan. A new mother, a long-time professional, and a licensed massage therapist, Jennifer tried moving back to Ohio to be closer to her family, but the Ohio State Medical Board denied her license application because she was 10 days shy of the state's training requirements.[1] The board unduly discounted Jennifer's years of training and work experience, and would not honor the license she had already earned in Minnesota. Jennifer is not alone.

Tragically, such cases plague Ohio's minority communities -- communities already facing daunting employment prospects. Nationally, the unemployment rate among African Americans remains much higher than among other demographics. According to the Bureau of Labor Statistics, the most recent unemployment rate among African Americans was 6.9 percent -- nearly double the 3.7 percent rate for whites.[2] Unemployment confronts 27.2 percent of young African Americans between 16 and 19, compared to the 12.6 percent of young whites.[3] State permission slip policies that make it harder and more expensive to find work only exacerbate the problem, adding insult to injury in our job-deprived minority communities.

Recent scholarship across the political spectrum has highlighted the challenges presented by occupational licensing schemes and has made clear that the burdens created by such bureaucratic requirements must be lifted.

For starters, according to the Heritage Foundation, occupational licensing requirements cost the average U.S. household a staggering \$1,033 per year.[4] Even more troubling, however, are the adverse effects that licensing has on interstate mobility and the labor market itself. A new study by professors Janna Johnson and Morris Kleiner of the Humphrey School of Public Affairs, for example, found that the migration rate of workers in occupations with state-specific licensing exam requirements was 36 percent lower than rates for other occupations.[5] By contrast, occupations with national examinations showed

no evidence of such a limitation on interstate mobility.[6] Put simply, state-specific licensure makes migration more difficult by closing occupational doors for people who want to move.

In testimony before the U.S. Senate Judiciary Committee, Professor Kleiner has stated that he and Alan Krueger, the former head of President Obama's Council of Economic Advisors, had calculated that licensing laws cost between a half and one percent of jobs nationally in 2010.[7] Those seemingly small percentages amount to tens of thousands of jobs across America that never came into existence -- a claim bolstered by research out of the Brookings Institute's Hamilton Project revealing that stringent licensing requirements result in fewer providers of the services subject to the requirements.[8] Fewer providers means fewer employers and fewer available jobs.

Perhaps unsurprisingly, given Mr. Krueger and Professor Kleiner's findings, the Obama Administration released a detailed report in 2015 calling for nationwide reforms to occupational licensing.[9] Echoing bipartisan support for such measures, the Trump Administration's Secretary of Labor has since said, "Americans want principled, broad-based reform. If licenses are unnecessary, eliminate them. If they are needed, streamline them. And, if they are honored by one state, consider honoring them in your own state. Americans looking to enter the workforce deserve no less than our most ardent efforts to remove regulatory barriers so that they can have a job." [10]

Focusing less on national trends and more on Ohio's own licensing concerns, The Buckeye Institute's report, *Forbidden to Succeed: How Licensure Laws Hold Ohioans Back*, showed not only that Ohio's licensing burdens are well above the national average, but also that nearly every Ohio license that requires training can be earned in less time in another state.[11]

Our subsequent study, *Still Forbidden to Succeed: The Negative Effects of Occupational Licensing on Ohio's Workforce*, confirmed the disturbing and stubborn fact that Ohio's licensing requirements erect higher barriers to employment for those most in need of quality jobs: middle-aged and low-income workers, and those without a college degree.[12]

Senate Bill 255 takes several steps toward fixing Ohio's occupational licensure problem. First, for the first time in state history, policymakers would be required to use the least restrictive regulation when displacing competition, and the bill identifies various licensing alternatives -- listed from least restrictive to most restrictive -- that the state could pursue if confronting a verifiable public safety risk. Second, Senate Bill 255 establishes a process for legislative panels to use when weeding through Ohio's overgrown thicket of licensing boards. Under this process, boards that the General Assembly does not proactively

reauthorize would simply dissolve. Taken together, these provisions give lawmakers a much-needed tool for uprooting bureaucratic thistles that deprive Ohioans of the potential fruits of their labor.

In addition to its sunset provisions, Senate Bill 255 also creates a sunrise review process to be used whenever a new licensing bill is introduced. This provision will require the Legislative Service Commission (LSC) to assess the potential consequences of any new licensing legislation with respect to employment opportunities, consumer choices and costs, market competition, and costs to the government. Additionally, under S.B. 255, the LSC must assess 20 percent of the occupations regulated by the state each calendar year beginning in 2018, assess all occupations at least once before 2022, and continue such assessments on a five-year rolling basis after 2022.

These are all positive strides for a state still struggling to create new jobs. Ohio still has not rebounded fully from the tech bubble burst and remains down by almost 93,000 private-sector jobs from its peak in March 2000 -- now 18 years ago.[13] The state's labor force participation has improved in recent years, but remains slightly below the national average. Occupational licensing hurdles only make Ohio's full recovery more difficult.

Every licensing requirement raises a new red-taped obstacle for workers to clear before earning a living or starting a new career. Every hour of unpaid training needed to satisfy bureaucratic requirements is an hour not spent earning tips, impressing a boss, serving a customer, or opening a business. Those are hours of lost productivity, hours of opportunity that young, low-income workers sorely need, but that the state continues to take for itself.

Senate Bill 255 begins the overdue effort of reforming the state's occupational licensing regime and ending a misguided permission slip policy that has stood in the way of growth and prosperity for far too long.

Thank you for your time and consideration. I welcome any questions that the Committee might have.

[1] Greg R. Lawson, *Goodbye, Ohio. A Talented Massage Therapist Forced to Leave State Because of Crazy Licensing Rules*, The Buckeye Institute, February 29, 2016.

[2] Bureau of Labor Statistics, *Table A-2. Employment Status of Civilian Population by Race, Sex, and Age*, U.S. Department of Labor (Last visited March 16, 2018)

[3] *Ibid.*

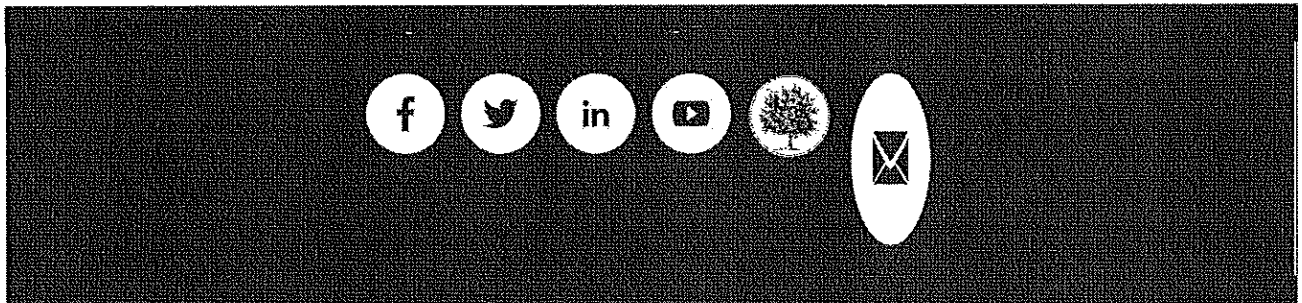
[4] Salim Furth, *Costly Mistakes: How Bad Policies Raise the Cost of Living*, The Heritage Foundation, November 23, 2015.

- [5] Janna E. Johnson and Morris M. Kleiner, *Is Occupational Licensing a Barrier to Interstate Migration?*, National Bureau of Economic Research, December 2017.
- [6] *Ibid.*
- [7] Morris M. Kleiner, *License to Compete: Occupational Licensing and the State Action Doctrine*, Testimony before the U.S. Senate Committee on the Judiciary, Subcommittee on Antitrust, Competition Policy, and Consumer Rights, February 2, 2016.
- [8] Morris M. Kleiner, *Reforming Occupational Licensing Policies*, The Hamilton Project, March 2015.
- [9] The White House, *Occupational Licensing: A Framework for Policymakers*, July 2015.
- [10] Secretary of Labor Alexander Acosta, *Speech before the 44th Annual Meeting of the American Legislative Exchange Council*, U.S. Department of Labor, July 21, 2017.
- [11] Tom Lampman, *Forbidden to Succeed: How Licensure Laws Hold Ohioans Back*, The Buckeye Institute, November 18, 2015.
- [12] Orphe Pierre Divounguys, PhD, Bryce Hill, and Greg R. Lawson, *Still Forbidden to Succeed: The Negative Effects of Occupational Licensing on Ohio's Workforce*, The Buckeye Institute, December 18, 2017.
- [13] Bureau of Labor Statistics, *Ohio Economy at a Glance*, U.S. Department of Labor (Last visited March 16, 2018).

###

Founded in 1989, The Buckeye Institute is an independent research and educational institution - a think tank - whose mission is to advance free-market public policy in the states.

The Buckeye Institute is a non-partisan, non-profit, and tax-exempt organization, as defined by section 501(c)(3) of the Internal Revenue code. As such, it relies on support from individuals, corporations, and foundations that share a commitment to individual liberty, free enterprise, personal responsibility, and limited government. The Buckeye Institute does not seek or accept government funding.



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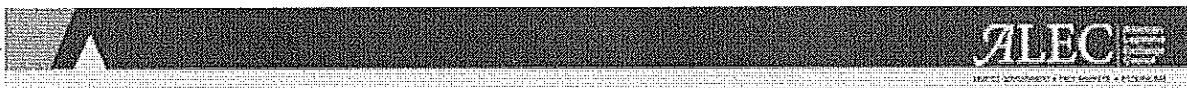
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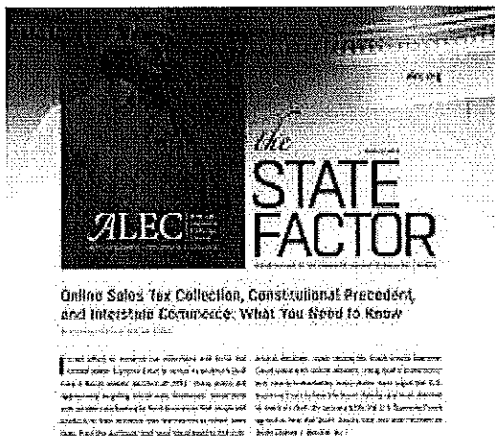
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Online Sales Tax

Educating Policymakers on Internet Sales Tax

American Legislative Exchange Council



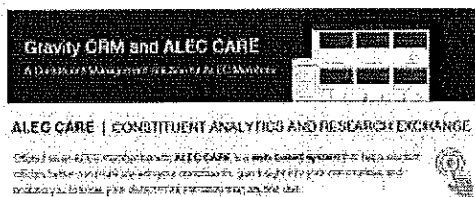
There is much confusion and misinformation around the topic of expanding Online Sales Tax collection. ALEC is working to clear up these misunderstandings and educate leaders on this nuanced issue. ALEC Chief Economist Jonathan Williams will be on a **Freedomworks Facebook Live** today at **1PM** to talk about Internet Sales Tax. Additionally, the Center For State Fiscal Reform has **produced a report** to help you better grasp the issue.

State Legislators, please consider signing the **open legislator letter** below concerning Online Sales Tax collection.

Sign the Letter

ALEC Care

Constituent Relations and Tracking at Your Fingertips



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ALEC-FreedomWorks Legislator of the Week

Working to Heal Kentucky

Senator Dr. Ralph Alvarado | KY-28

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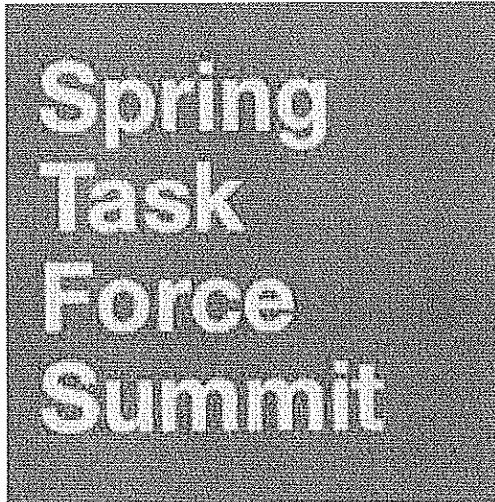


This week, ALEC and FreedomWorks introduce **Kentucky Senator Dr. Ralph Alvarado**. Dr. Alvarado has been a physician in Winchester, KY since 1998 and entered the legislature to pursue more comprehensive health care regulations and fix the tort system, saying "clearly, there was a need for a physician voice in the General Assembly and someone to champion these causes."

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STFS 2018

Register Now for the Spring Task Force Summit



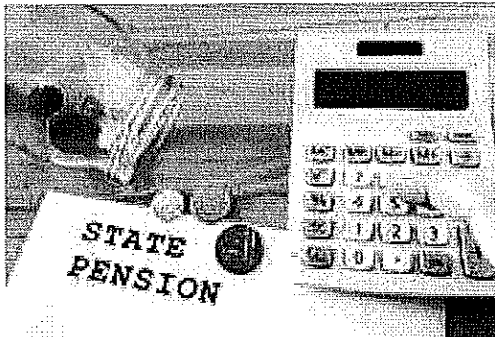
Registration is currently open for the 2018 Spring Task Force Summit. The summit will take place on **April 27, 2018 in Grand Rapids, MI**. Click the link below to get more information and register for the conference. In addition, watch your inbox for the 30-Day Mailer, containing model policies up for consideration at the summit.

[Register Here](#)

Pension Reform

Converting Pension Plans from Defined Benefit (DB) to Defined Contribution (DC): The Myths and the Messaging (Part 3)

Steve Anderson | Center for State Fiscal Reform



The information monopoly possessed by Defined Benefit (DB) plan actuaries creates an enormous information imbalance in the discussion over how to transition from a DB to a Defined Contribution (DC) plan. Demanding the right data in order to separate reality from accounting anomalies enables policymakers to take back control of the narrative.

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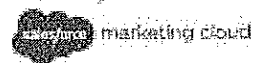


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Save the Date: America First Energy Conference 2018

Mark your calendar for The Heartland Institute's America First Energy Conference at the Hilton Riverside Hotel in **New Orleans** on **Tuesday, August 7, 2018**. Come join us as we delve into President Trump's pioneering energy policies after last year's successful event in Houston, Texas.

The **America First Energy Conference 2018** will feature more than 30 presentations from acclaimed scientists, economists, elected officials, representatives from the Trump administration, and energy industry leaders. Join hundreds of state and national elected officials, think tank leaders, and policy analysts for this informative, networking opportunity.

In just over a year, President Trump's "America First Energy Plan" has revamped U.S. climate and energy policies, spurred economic growth, and restored **energy freedom**. In

New Orleans, we will examine Trump's energy accomplishments so far, and explore what's on the horizon ... aside from more drilling rigs off the Louisiana shore.

As Heartland President and CEO Tim Huelskamp stated in the program for the 2017 America First Energy Conference, "We can put America first. We can take the lead in powering the world and growing our economy. We can continue guiding the protection of Earth's air, land, and water."

Admission is free for regulators, elected officials, and legislative staff. A limited number of hotel accommodations and travel scholarships will be available for lawmakers who are members of Heartland's Legislative Forum. **Conference registration for legislators and staff will open May 7.** To RSVP before registration begins, please contact Arianna Wilkerson, government relations coordinator, at awilkerson@heartland.org or call 312/377-4000.

Disclaimer: This event is not affiliated with the American Legislative Exchange Council's Annual Meeting.

What We're Working On

Education

Strike Voucher Would Help Keep Oklahoma Students in Classrooms during Teacher Walkouts

In this *Research & Commentary*, Policy Analyst Tim Benson and Lennie Jarratt, Heartland's project manager for the Center for Transforming Education, propose solutions to a potential statewide, illegal teachers strike by the Oklahoma Education Association, which would begin on April 2. Benson and Jarratt describe how strike vouchers and Student Opportunity Scholarships could prevent future strikes and keep Oklahoma children in their classrooms while unions, state officials, and school districts duke it out in the collective bargaining process.

Budget & Tax

Research & Commentary: States Continue to Enact Disruptive Sales Tax Holidays

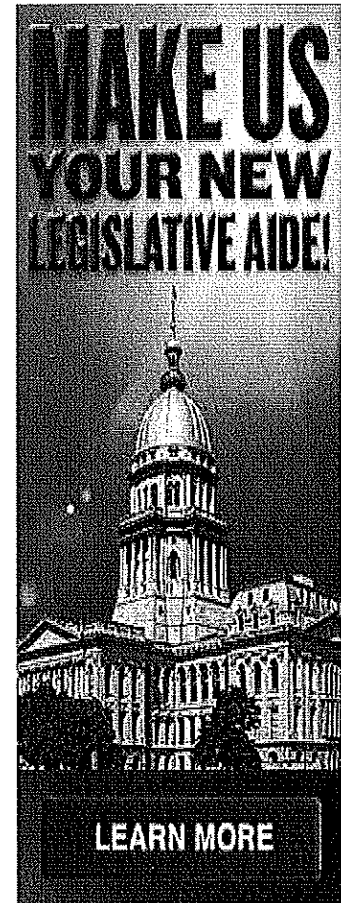
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Senior Policy Analyst Matthew Glans describes how sales tax holidays are an accounting trick that rewards businesses more than consumers in this *Research & Commentary*. = 2A state that has a competitive sales tax system does not need sales tax holidays. State legislators should focus on creating a permanent, less-complicated sales tax system that benefits consumers with lower rates, instead of using a temporary tax gimmick that benefits only a small number of companies," wrote Glans.

Health Care

Research & Commentary: New Hampshire Considers Rolling Back Medicaid Expansion

In this *Research & Commentary*, State Government Relations Manager Charlie Katebi discusses a proposal to reform New Hampshire's Medicaid program by implementing work requirements for able-bodied, childless adults. "By limiting Medicaid exclusively to those in need, New Hampshire would ensure its program is well-equipped to provide a reliable safety net for the state's truly vulnerable," wrote Katebi.



Energy & Environment

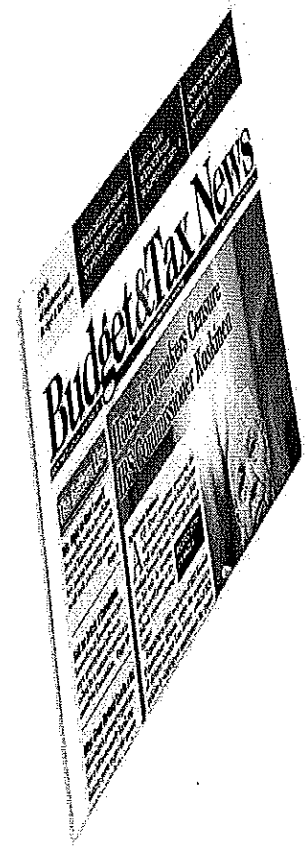
Coal is Green

Fred Palmer, Heartland's senior fellow for energy and climate, debunks coal energy myths in the latest video installment of *Flashes of Freedom*. In a pithy manner, Palmer dispels the notion that coal is "dirty" because state-of-the-art, clean coal power plants emit almost zero emissions. Palmer also discredits the idea that carbon dioxide is "dirty," arguing CO₂ is a "benign gas required for life on Earth."

From Our Free Market Friends

Sell Lands, Fund Schools

The Cascade Policy Institute released a new study on Oregon's 1.5 million acre portfolio of Common School Trust Lands (CSTL). If Oregon sold its CSTL holdings, the Common School Fund would increase 600 percent. Oregon only makes \$4.25 per acre, which is the lowest among nine western states with CSTL portfolios. Between 2013 and 2015, Oregon's CSTL portfolio lost more than a \$1 million in net operating income. CSTL mismanagement and low sales figures leads to fewer funds for Oregon's public schools. Lobbying and litigation from environmental groups also decreased Oregon's CSTL returns. These groups contend that commodity production is outdated, unnecessary and wish to end the sale of public lands.



In the February issue of *Budget & Tax News*, Lindsey Schulenburg reports on proposed ordinances in Springfield, Missouri, that would require hosts on Airbnb, and similar online platforms, to purchase annual business licenses and occupancy certificates from the city. They would also limit the number of

hosts allowed in a
neighborhood.

School Reform News

Environment & Climate
News

Health Care News

	The Heartland Institute	Our Websites
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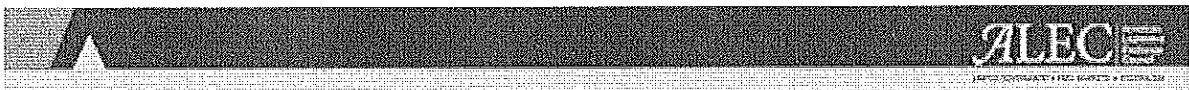
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Center for State Fiscal Reform - March 27, 2018



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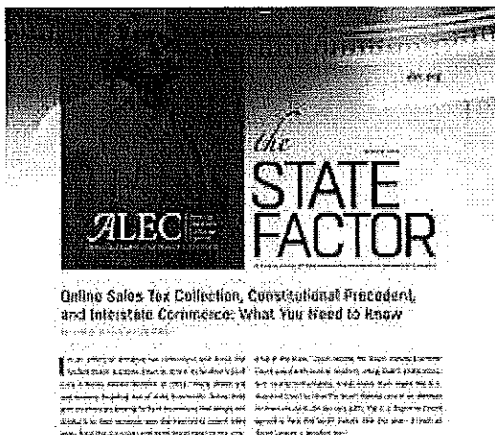
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Online Sales Tax

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Online Sales Tax Collection, Constitutional Precedent, and Interstate Commerce: What You Need to Know

Center for State Fiscal Reform



There is much confusion and misinformation around the topic of expanding Online Sales Tax collection. ALEC is working to clear up these misunderstandings and educate leaders on this nuanced issue. The Center For State Fiscal Reform has **produced a report** to help you better understand the issue. Additionally, ALEC Chief Economist and VP of the Center for State Fiscal Reform Jonathan Williams recently **appeared on a FreedomWorks Facebook Live** to discuss the topic.

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State Legislators, please consider signing

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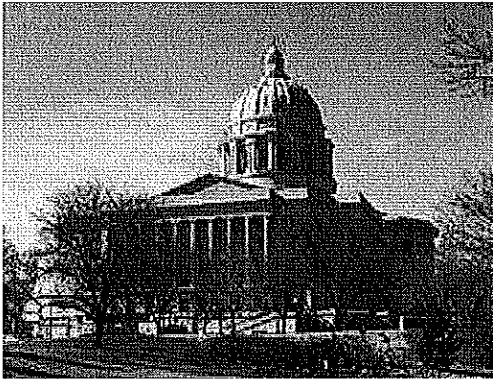
the open legislator letter below
concerning Online Sales Tax collection.

[View Letter](#)

Legislator Voices

North Carolina, not Kansas, is the Tax Cut Model

MO Senator Ed Emery and Jonathan Williams | *Kansas City Star*



There are right and wrong ways to go about tax reform, and the overspending pitfalls from Kansas should be kept in mind. However, North Carolina provides Missouri with a better road map for tax reform that works.

[Read Article](#)

Expert Insight

NJ Move Further Underfunds State Pensions

Thurston Powers | Center for State Fiscal Reform | *Asbury Park Press*



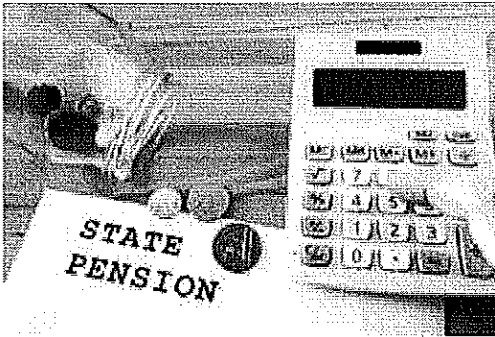
Newly appointed New Jersey State Treasurer Elizabeth Maher Muoio this month increased the state pension system discount rate from 7 to 7.5 percent, while phasing it back down to 7 percent over the next five years. New Jersey's decision to increase its discount rate stands in stark contrast to the majority of state pension plans decreasing their discount rates.

[Read Article](#)

Pension Reform

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Steve Anderson | Center for State Fiscal Reform



The information monopoly possessed by Defined Benefit (DB) plan actuaries creates an enormous information imbalance in the discussion over how to transition from a DB to a Defined Contribution (DC) plan. Demanding the right data in order to separate reality from accounting anomalies enables policymakers to take back control of the narrative.

[Read Article](#)

Williams Report

The Williams Report

Bob Williams | Center For State Fiscal Reform



ALEC Senior Scholar Bob Williams recaps the important stories and trends in budget and pension reform that you may have missed over the last month

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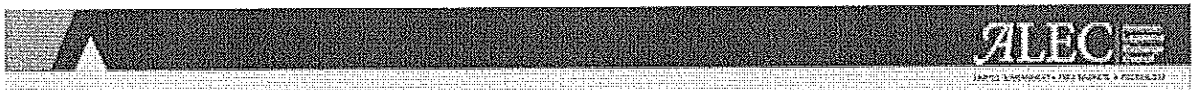
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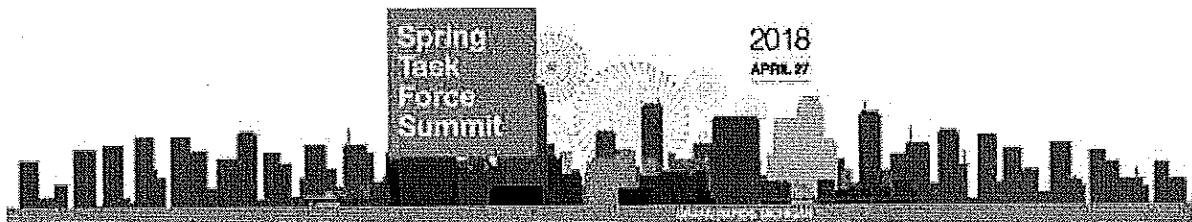
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New ALEC Publication

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Other Post-Employment Benefit Liabilities 2017

Thurston Powers, Jonathan Williams, Joel Griffith | American Legislative Exchange Council



MARCH 2018

Other Post-Employment Benefit Liabilities, 2017

The guide is prepared for OIG LEOG

Other Post-Employment Benefits, 2017 surveys the more than 100 state-administered post-employment benefit plans, such as health insurance, Medicare advantage, life insurance, and other non-pension benefits. The report details the assets, assumptions, and risk-free liabilities, illuminating both the risks that states

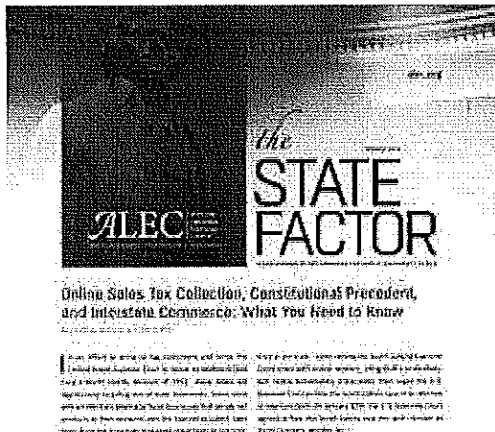
face and potential reforms they can take to avert a crisis

[Read Publication](#)

Online Sales Tax

Online Sales Tax Collection, Constitutional Precedent, and Interstate Commerce: What You Need to Know

Center for State Fiscal Reform



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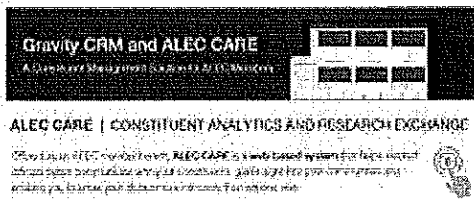
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State Legislators, please consider signing the open legislator letter below concerning Online Sales Tax collection.

[View Letter](#)

ALEC CARE
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Constituent Relations and Management at Your Fingertips



Did you know that ALEC has an online platform built just for you, to handle your day-to-day constituent interactions? We provide this benefit free to all members, your new suite of tools to be more effective legislators by having a permanent place for notes, issue tracking, and even outreach. **Contact our C.A.R.E. Associate, Aaron Gillham, today at agillham@alec.org, to schedule a webinar and activate your personal account.**

STFS 2018

Early Bird Registration for Spring Task Force Summit Ends Soon



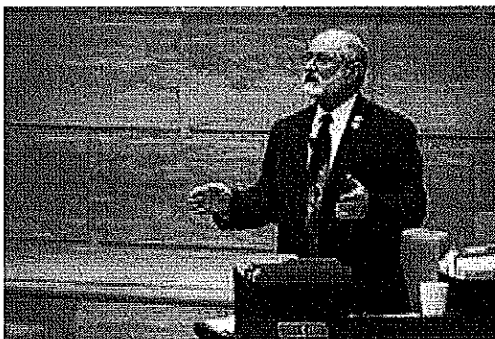
Early Bird registration for the 2018 Spring Task Force Summit in Grand Rapids, MI **ends on April 6**. Follow the link below to register. In addition, **look out for an e-mail from your task force director containing draft policy for the upcoming Spring Task Force Summit.**

[Register Here](#)

ALEC-FreedomWorks Legislator of the Week

Working to Grow Missouri

Senator Brian Munzlinger | MO-18



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This week, ALEC and FreedomWorks introduce **Missouri State Senator Brian Munzlinger**. Senator Munzlinger is a third generation Missouri farmer who cares deeply about growing local business in his state and ran for office to "ensure that the voices and concerns of rural Missouri and agriculture continue to be heard."

[Read Article](#)

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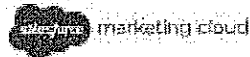


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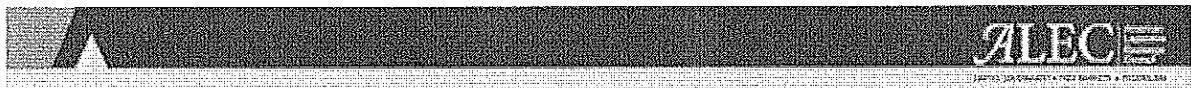
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Dear Communications and Technology Task Force Members,

As the Spring Task Force Summit nears, please make sure to take a look at the important 30-Day Notification materials below! Included on your Task Force's webpage are draft agendas for the subcommittees, working groups and the Task Force meetings, as well as the model policies in line for Task Force consideration. I look forward to seeing you in Grand Rapids.

[View Draft Policies](#)

In addition, I wanted to quickly write and let you know of an upcoming opportunity. Next **Thursday, April 5 at 1:00 PM**, the Communications and Technology Task Force will host a conference call with FCC Commissioner Brendan Carr. The focus of the call will be on recent FCC actions to prepare for 5G and streamline the federal review process for tomorrow's communications technologies.

If you would like to participate, please RSVP to me at jhauenschild@alec.org. I will send the details to those who RSVP closer to the call.

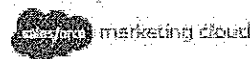
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Jonathon Hauenschild, Director

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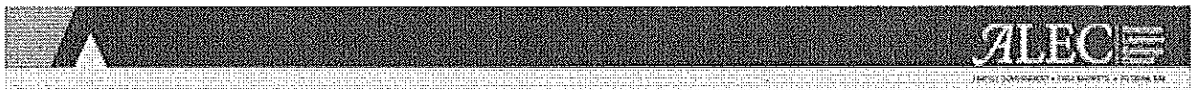
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Dear ALEC Members,

I wanted to reach out with a few updates in anticipation of seeing you in **Grand Rapids for the Spring Task Force Summit next month**. The spring meeting is shaping up nicely with each task force putting together their respective meetings and policy briefing.

Yesterday afternoon, each task force director distributed draft model policy for consideration at the meeting. In Grand Rapids, ALEC will consider models for online speech, the taxation of marijuana, education savings accounts and charter schools and energy extraction from federal lands, among many others. **Each task force is linked at the bottom of this email** so you have the opportunity to review all of the policies being considered at the meeting. If you are interested in joining another task force or sitting in on another meeting, please contact vice president of member relations Jeff Lambert.

In addition to our regularly scheduled meetings, ALEC is partnering with the Job Creators Network to the kick off of the "Tax Cuts Work" national bus tour in Grand Rapids on Friday morning. **Many of you will remember the success ALEC had at voicing the state legislator perspective during the federal tax reform debate last year.** The "Tax Cuts Work" bus tour will help you bring that message home to your district as they travel the states sharing what the tax cut has meant for the economy and everyday moms and dads. I want you to be part of the campaign launch and later **serve as a great messenger for jobs and the economy between now and the end of the year.** Look out for more on the "Tax Cuts Work" tour in the coming weeks.

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Finally, a word about the exchange of ideas. The ALEC 45th anniversary has afforded me the opportunity to reflect on where ALEC has been and where it is going. ALEC has been and remains a leader on many of the key policy issues that face the states. This is the case because ALEC is consistent and reliable as it relates to limited government, free markets and federalism. ALEC legislators are more informed and more collaborative. Our model policy more deeply studied and debated. ALEC's often unsung but dramatic policy victories are a product of our organization's approach: Exchange. For example, the first school voucher program in the United States was in Milwaukee in 1989 (led by ALEC members). By the 1993 legislative sessions, voucher policies were championed by ALEC members in 45 states.

It's quite simple really. The best ideas are made even better when shared. We all come to ALEC for substantive policies debates. As you make plans to attend the Spring Task Force Summit next month, what perspective or unique point of view can you bring to task force discussions? Everyone benefits from the exchange of ideas that takes place at ALEC.

I'm looking forward to seeing you in Grand Rapids.

Sincerely,

Lisa B. Nelson
Chief Executive Officer
American Legislative Exchange Council

ALEC Spring Task Force Summit Draft Model Policy

Civil Justice

Commerce, Insurance and Economic Development

Communications and Technology

Criminal Justice

Education and Workforce Development

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Energy, Environment and Agriculture

Health and Human Services

Tax and Fiscal Policy

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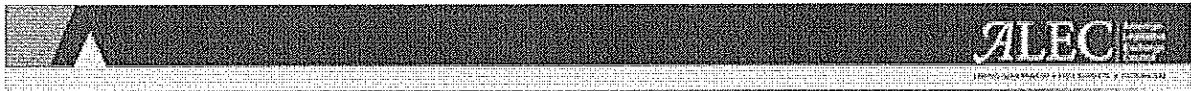
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Dear Members of the Communications and Technology Task Force,

I wanted to quickly write and let you know of an upcoming opportunity. This **Thursday, April 5 at 1:00 PM**, the Communications and Technology Task Force will host a conference call with FCC Commissioner Brendan Carr. The focus of the call will be on recent FCC actions to prepare for 5G and streamline the federal review process for tomorrow's communications technologies.

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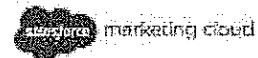
Best,

Jonathon Hauenschild
Director, Communications and Technology Task Force

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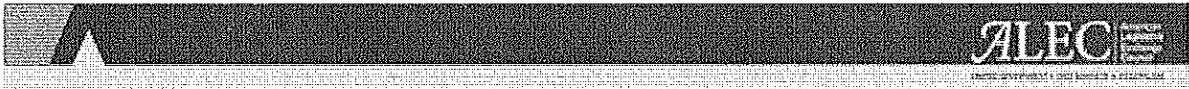
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Center to Restore the Balance of Government
April 4, 2018



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Chairman's Corner

A Message from Iowa House Speaker and Chair of the ALEC Center to Restore the Balance of Government Linda Upmeyer

Federalism is the linchpin of America's system of governance. It is woven so seamlessly into the fabric of our nation that it escapes notice until the delicate balance between local, state and national governance is disrupted. In spite of its impact on almost every aspect of our lives, federalism is often treated as a lofty concept, rather than a common sense system that employs the simple logic that real solutions are found in the fifty laboratories of democracy, not one-size fits all federal government policies that disregard regional differences and local community needs. The Chairman's Corner exposes the challenges that state lawmakers face every day and seeks to provide pragmatic best practices for our legislator readers and to underscore federalism's real world implications for non-legislator readers.

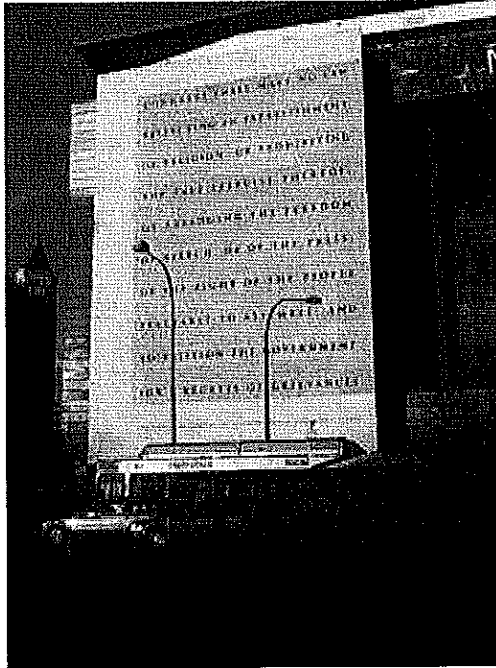
The latest installment in the series, [*Investing in Infrastructure, can be accessed here.*](#)

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International Democracy

Freedom of the Press is Often the First Casualty

Karla Jones | Federalism and International Relations Task Force

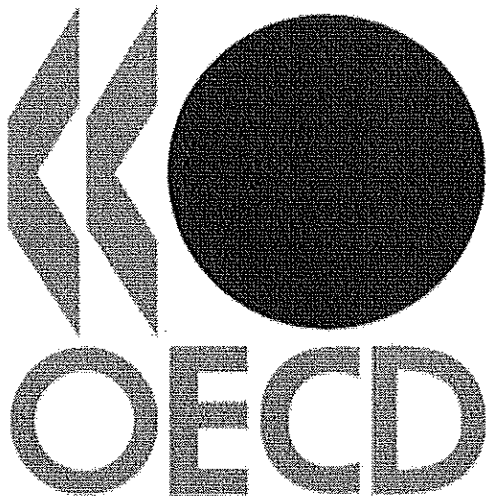


Whether well-established or nascent, faltering democracies share striking similarities on the path toward authoritarianism including an early delegitimizing of the media. Intuitively understanding the relationship between access to information and the long term success of liberal democracy, the framers of the U.S. Constitution included prohibitions against "abridging freedom of ... the press" in the First Amendment. Unfortunately, autocrats also fear the power of a free press and view media repression as a high priority. In the coming weeks, Malaysia's legislature will consider legislation that calls for prison terms of up to six years for disseminating "fake news" loosely defined as news, information, data or reports that are "wholly or partially false." Images and audio, including foreign content that could affect Malaysia would be designated as "fake news" even minus evidence that the alleged falsehood caused harm. **[Read more about Malaysia's authoritarian slide here.](#)**

Intellectual Property Update

The Organisation for Economic Cooperation and Development (OECD) Releases Report on Illicit Trade

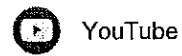
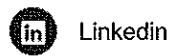
Karla Jones | Federalism and International Relations Task Force



Enshrined in the U.S. Constitution, intellectual property rights are part of America's constitutional heritage. Millions of American jobs owe their existence to the innovation economy and IP-intensive industries tend to offer higher wages than other industries. With globalization, strong domestic IP rights protections are no longer sufficient – America's economic partners also need to uphold similarly robust IP protection and enforcement standards. The OECD Task Force on Countering Illicit Trade Policy released a report in March "Governance Frameworks to Counter Illicit Trade" that is an invaluable resource for those interested in learning more about the consequences of illicit trade and steps governments around the world can take to counter intellectual property theft and counterfeits. [Read more here.](#)

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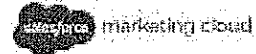


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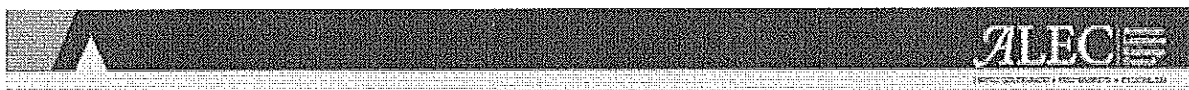
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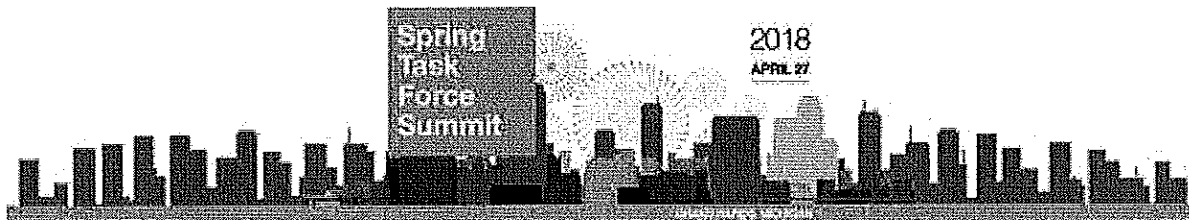
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Online Sales Tax

ALEC Submits Amicus Curiae Brief on Online Sales Tax Case (South Dakota v. Wayfair)

American Legislative Exchange Council

No. 17-424

IN THE
Supreme Court of the United States

SOUTH DAKOTA,

Petitioner,

v.

WAYFAIR, INC. ET AL.

Respondent.

On Writ of Certiorari to the
Supreme Court of South Dakota

BRIEF AMICUS CURIAE FOR THE
AMERICAN LEGISLATIVE EXCHANGE
COUNCIL
IN SUPPORT OF RESPONDENT

JONATHAN P. HAUENSCHILD

Counsel of Record

JOEL GRIFFITH

BARTLETT CLELAND

AMERICAN LEGISLATIVE EXCHANGE COUNCIL

2800 Crystal Dr., Ste. 600,

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Main : (703) 373-0933

jhauenschild@alec.org

Counsel for Amicus Curiae

The American Legislative Exchange Council yesterday **submitted an Amicus Brief to the Supreme Court** urging the physical presence standard be upheld, as last ruled in Quill Corp. v. North Dakota. If the Court decides to rule against the physical presence standard in the upcoming case South Dakota v. Wayfair, states will be able to reach across their borders and heavily tax main street businesses, small businesses, and entrepreneurs. The brief was authored by Counsel of Record Jonathon Hauenschild, Joel Griffith and Bartlett Cleland.

"The roughly 12,000 state and local taxing jurisdictions across our nation present a clear and present danger to interstate commerce if they would be allowed to subject out of state businesses to their tax collection rules and regulations," said Jonathan Williams, ALEC Chief Economist and Vice President of the Center for State Fiscal Reform

State Legislators, please consider signing the open legislator letter below concerning Online Sales Tax collection.

[Read Press Release](#)

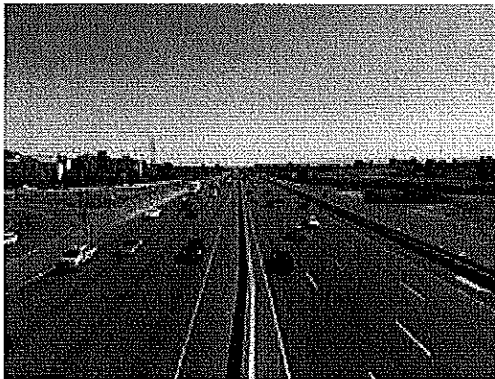
[Read Letter](#)

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Legislator Voices

Investing in Infrastructure

Iowa Speaker Linda Upmeyer



"Perhaps the most important aspect of President Trump's plan is providing states with the flexibility and authority to identify the infrastructure projects that they need most. This will empower states and localities to invest in projects that they want, without being burdened by the Federal Government. This plan will reduce red tape and bureaucracy, allow for more innovation, keep the cost of projects below budget, and get projects done quicker."

[Read Article](#)

STFS 2018

Be a Part of the Process at Spring Task Force Summit



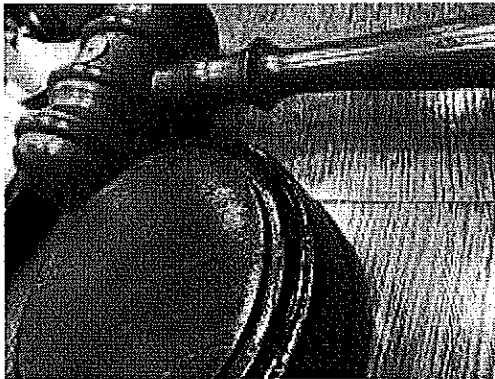
Draft Model Policy is now live on the ALEC website. Review the policies, then come join us at Spring Task Force Summit and make sure your voice is heard in the debate. Register soon, the summit takes place **April 26th, in Grand Rapids, MI.** Contact Mason Hunt with any questions about the conference.

[Register Here](#)

Occupational Licensing Reform

Louisiana Takes Positive Step to Remove Occupational Licensing Barriers

Ronald J. Lampard | Criminal Justice



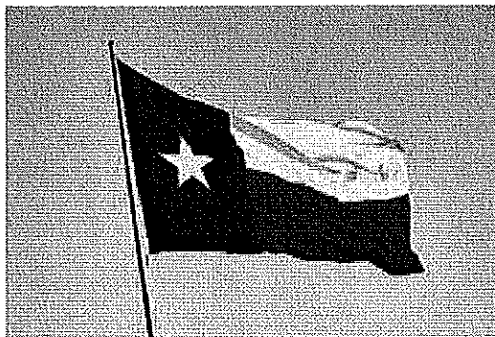
The Pelican State is the last remaining state in the country that makes it illegal to be a florist without having a license. The fact that an individual could be prevented from merely trying to make a living as a florist to support themselves simply does not serve taxpayers well. Fortunately, Louisiana has undertaken addressing this barrier to employment opportunities.

[Read Article](#)

State of the State Analyses

Center for State Fiscal Reform Continues State of the State Analysis

Center for State Fiscal Reform

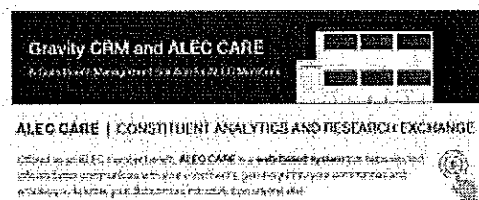


The Center for State Fiscal Reform continues its series of State of the State Analyses. The Center breaks down gubernatorial addresses, compares them to their records, and highlights both strong and weak fiscal policy in these states. New this week are **Connecticut** and **Texas**. To see all analyses to date, follow the link below.

[View Articles](#)

ALEC CARE

Constituent Relations and Management at Your Fingertips



ALEC's wealth of resources doesn't stop with model policy. As an additional benefit, we are letting all members know that we've constructed an online platform for your daily constituent management tasks. The accounts we provide are specifically designed for your district, with pre-populated constituent profiles,

allowing you to fill in notes, retain contact information, and even track issues of concern. To learn more and activate your personal account today, contact our C.A.R.E. Associate, Aaron Gillham, at agillham@alec.org.

ALEC-FreedomWorks Legislator of the Week

Making Maryland Move

Delegate Trent Kittleman | MD-9A



This week, ALEC and FreedomWorks introduce **Maryland Delegate Trent Kittleman**. Delegate Kittleman cares about growing business and prosperity in Maryland. She started her career writing a political column, and now serves on a number of committees dedicated to improving her state. When asked about her column, she said, "even now, I wouldn't change a word."

[Read Article](#)



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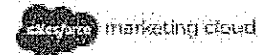


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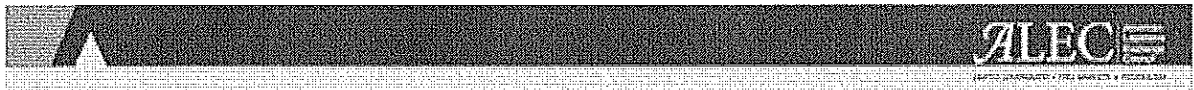
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Events and Education: April 10, 2018



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ALEC in Action

Jonathan Williams Speaking Today at Heritage on Tax Reform in Kansas

Jonathan Williams | Center for State Fiscal Reform



ALEC Chief Economist and Vice President of the Center for State Fiscal Reform **Jonathan Williams** was part of a panel at The Heritage Foundation on: *What Was Really the Matter with the Kansas Tax Plan: The Undoing of a Good Idea*. The panel took place **today, April 10th, 2018 at 12:30PM**. It will also be livestreamed on www.heritage.org

[View Event](#)

Online Sales Tax Update

ALEC Submits Amicus Curiae Brief on Online Sales Tax Case (South Dakota v. Wayfair)

American Legislative Exchange Council



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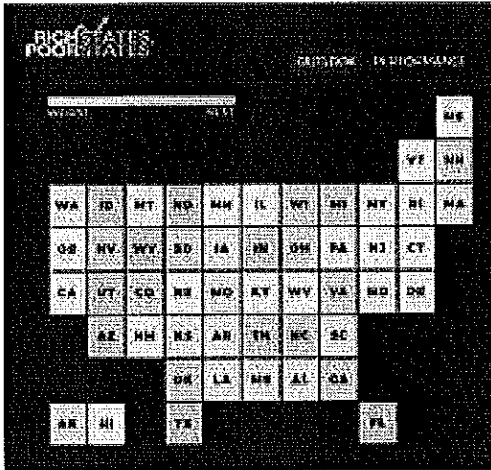
The American Legislative Exchange Council last week **submitted an Amicus Brief to the Supreme Court** urging the physical presence standard be upheld, as last ruled in Quill Corp. v. North Dakota. If the Court decides to rule against the physical presence standard in the upcoming case South Dakota v. Wayfair, states will be able to reach across their borders and heavily tax main street businesses, small businesses, and entrepreneurs. The brief was authored by Counsel of Record Jonathon Hauenschild (pictured), Joel Griffith and Bartlett Cleland.

State Legislators, please consider signing the open legislator letter below concerning Online Sales Tax collection.

[Sign the Letter](#)

Rich States Poor States 11th Edition

Rich States, Poor States 11th Edition Legislator Call Coming Up



The 11th edition of *Rich States, Poor States* is coming next week, on April 17. Coalition partners and legislators can get an early look at the data on a conference call with the report authors **next Monday, April 16, at 10:00 AM**. Details for the call are forthcoming, but please RSVP here if you'd like further information.

[RSVP for Call](#)

STFS 2018

Register Now for the Spring Task Force Summit and Become Part of the Process



= A **Draft Model Policy is now live on the ALEC website.** Review the policies for each task force, then register to come join ALEC at the Spring Task Force Summit and make sure your voice is heard in the debate. Register soon, the summit takes place **April 26th, in Grand Rapids, MI**. Contact Mason Hunt with any questions about the conference.

In addition, this year, to improve your conference experience, ALEC is launching a new app with meeting information, agendas, bios and more. Stay tuned for the app launch in the coming weeks

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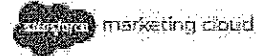


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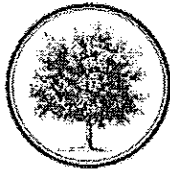
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Contact: Lisa Gates, Vice President of Comms

FOR IMMEDIATE RELEASE

April 11, 2018

(614) 224-3255 or Lisa@BuckeyeInstitute.org

The Buckeye Institute: Emergency Workers Who Help Ohio in Times of Disaster Should be Thanked Not Burdened with Red Tape

Greg Lawson Testifies Before Ohio Senate Ways and Means Committee on House Bill 133

Columbus, OH -- The Buckeye Institute's Greg R. Lawson testified today (see full text below or **download a PDF**) before the Ohio Senate Ways and Means Committee on House Bill 133.

In his testimony, Lawson outlined the onerous nature of Ohio's "byzantine local tax policies and its arcane occupational licensing regime" and questioned why Ohio would extend "its failed policies to men and women from other states who have come to help restore our power, our water, and rebuild our infrastructure in the days after a disaster."

Noting that there is consensus across the political spectrum that occupational licensing "hurt[s] workers and make[s] it more difficult for people to work in their chosen professions," Lawson pointed out that "our state's outmoded tax and licensing policies are even more absurd and risk even harsher consequences when imposed upon out-of-state rescue and emergency personnel coming to lend Ohio a helping hand."

Lawson closed calling the exemptions "necessary and proper," saying, "Once policymakers recognize the necessity and propriety of exempting non-Ohioans from these nettlesome policies, The Buckeye Institute hopes that Ohioans will soon get some much-needed relief from this broken system, too."

###

**Interested Party Testimony Submitted on House Bill 133
Before the Ohio Senate Ways and Means Committee**

**Greg R. Lawson, Research Fellow
The Buckeye Institute
April 11, 2018**

Thank you, Chairman Eklund, Vice Chair Terhar, Ranking Member Williams, and members of the Committee for the opportunity to testify today regarding House Bill 133 and the tax and regulatory exemptions for out-of-state emergency-response personnel.

My name is Greg R. Lawson. I am the research fellow at **The Buckeye Institute**, an independent research and educational institution -- a think tank -- whose mission is to advance free-market public policy in the states.

House Bill 133 exempts out-of-state workers from most of Ohio's state and local taxes if they are here responding to a Governor-declared state of emergency. The bill also rightly exempts such workers from state and local occupational licensing requirements. Given Ohio's byzantine local tax policies and its arcane occupational licensing regime, these exemptions are necessary and proper.

According to the Tax Foundation, a leading non-partisan tax research organization, Ohio has the unfortunate distinction of owning the worst municipal income tax system in the country.[1] Ohio also boasts some of the nation's most stringent occupational licensing requirements -- requirements that The Heritage Foundation[2], the Brookings Institute[3], and even the Obama[4] and Trump administrations[5] have all agreed hurt workers and

make it more difficult for people to work in their chosen professions. Our state's outmoded tax and licensing policies are even more absurd and risk even harsher consequences when imposed upon out-of-state rescue and emergency personnel coming to lend Ohio a helping hand.

The Buckeye Institute's *Ohio Illustrated: A Visual Guide to Taxes and the Economy*,^[6] co-authored by the Tax Foundation, highlights the complexity and burdens of Ohio's local tax system currently imposed on out-of-state emergency responders who are here only to help. Not content to impose its onerous tax and licensing schemes on its own citizens, Ohio extends its failed policies to men and women from other states who have come to help restore our power, our water, and rebuild our infrastructure in the days after a disaster. A simple "thank you" would likely be more appreciated.

As The Buckeye Institute's **Economic Research Center** has explained repeatedly,^[7] Ohio's occupational licensing requirements -- essentially government permission slips to go to work in the morning -- do not work for Ohioans, so one can only wonder why such requirements would ever work for *non*-Ohioans trying to relieve our communities hit hardest by some natural disaster. The fact is, of course, they won't.

House Bill 133's exemptions are both necessary and proper. Necessary: because when Ohio takes a devastating blow and must rebuild communities after floods, tornados, or winter storms, the last thing those communities should have to endure is bureaucratic red-tape preventing would-be responders from turning on the electricity or restoring potable drinking water while they wait for their licenses to clear. And proper: because sending a petty, unexpected tax bill to those who left the safety and comfort of their own home-states to help rescue ours is no way to show gratitude.

Once policymakers recognize the necessity and propriety of exempting non-Ohioans from these nettlesome policies, The Buckeye Institute hopes that Ohioans will soon get some much-needed relief from this broken system, too.

Thank you for your time and I look forward to responding to any questions that you might have.

[1] Scott Drenkard and Greg R. Lawson, *In State Tax Battle, the Tar Heels Soar Above the Buckeyes*, Forbes, September 23, 2013.

[2] Salim Furth, *Costly Mistakes: How Bad Policies Raise the Cost of Living*, The Heritage Foundation, November 23, 2015.

[3] Morris M. Kleiner, *Reforming Occupational Licensing Policies*, The Hamilton Project, March 2015.

[4] The White House, *Occupational Licensing: A Framework for Policymakers*, July 2015.

[5] Secretary of Labor Alexander Acosta, Speech before the 44th Annual Meeting of the American Legislative Exchange Council, U.S. Department of Labor, July 21, 2017.

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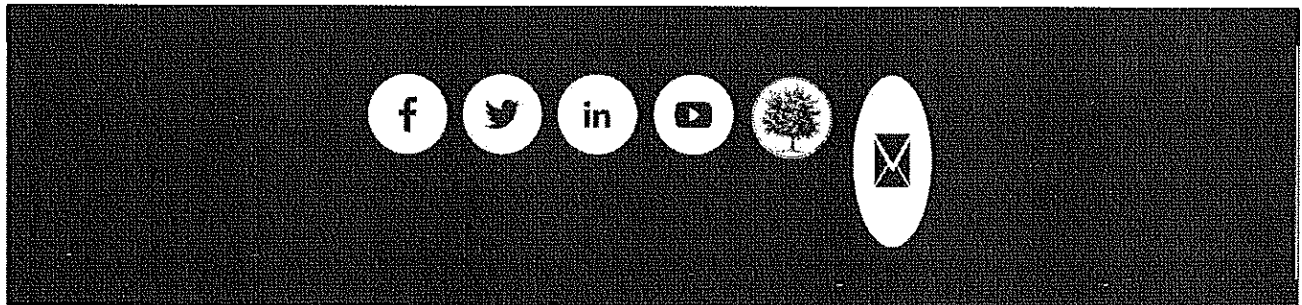
[6] *Ohio Illustrated: A Visual Guide to Taxes and the Economy*, The Buckeye Institute and The Tax Foundation, June 7, 2017.

[7] Orphe Pierre Divounguis, PhD, Bryce Hill, and Greg R. Lawson, *Still Forbidden to Succeed: The Negative Effects of Occupational Licensing on Ohio's Workforce*, The Buckeye Institute, December 18, 2017; and Tom Lampman, *Forbidden to Succeed: How Licensure Laws Hold Ohioans Back*, The Buckeye Institute, November 18, 2015.

###

Founded in 1989, The Buckeye Institute is an independent research and educational institution - a think tank - whose mission is to advance free-market public policy in the states.

The Buckeye Institute is a non-partisan, non-profit, and tax-exempt organization, as defined by section 501(c)(3) of the Internal Revenue code. As such, it relies on support from individuals, corporations, and foundations that share a commitment to individual liberty, free enterprise, personal responsibility, and limited government. The Buckeye Institute does not seek or accept government funding.



The Buckeye Institute, 88 East Broad Street,
Suite 1120, Columbus, OH 43215

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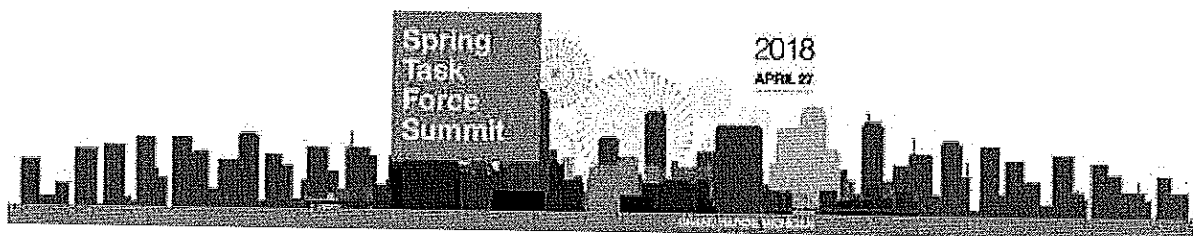
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Be a Part of the Process at Spring Task Force Summit



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Source: <http://www.fishbase.org> (accessed 11 March 2008). Δ = 100% increase; Δ = 50% increase; Δ = 30% increase; Δ = 20% increase.

American Legislative Exchange Council

No. 17-194

IN THE
Supreme Court of the United States

SOUTH DAKOTA,

Petitioner,

v.

WAYFAIR INC. ET AL.

Respondent.

On Writ of Certiorari to the
Supreme Court of South Dakota

BRIEF AMICUS CURIAE FOR THE
AMERICAN LEGISLATIVE EXCHANGE COUNCIL
IN SUPPORT OF RESPONDENT

JONATHAN P. HAUENSCHILD
Counsel of Record
JOEL GRIFFITH
BARTLETT CLELAND
AMERICAN LEGISLATIVE EXCHANGE COUNCIL
2900 Crystal Dr., Ste. 600,
Arlington, VA 22202
Main : (703) 373-0933
jhauenschild@alex.org
Counsel for Amicus Curiae

The American Legislative Exchange Council last week **submitted an Amicus Brief to the Supreme Court** urging the physical presence standard be upheld, as last ruled in Quill Corp. v. North Dakota. If the Court decides to rule against the physical presence standard in the upcoming case South Dakota v. Wayfair, states will be able to reach across their borders and **heavily tax** main street businesses, small businesses, and entrepreneurs. The brief was authored by Counsel of Record Jonathon Hauenschild, Joel Griffith and Bartlett Cleland.

State Legislators, please consider signing the open legislator letter below concerning Online Sales Tax collection.

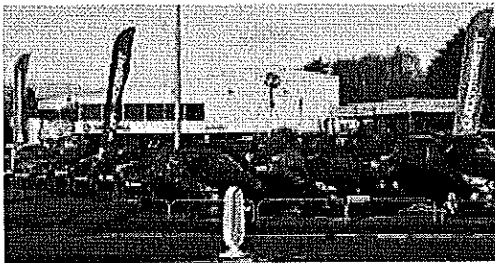
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Expert Insight

Trump Administration Revises Fuel Economy Standards Impacting the Next Car You Buy

Grant Kidwell | Energy, Environment and Agriculture



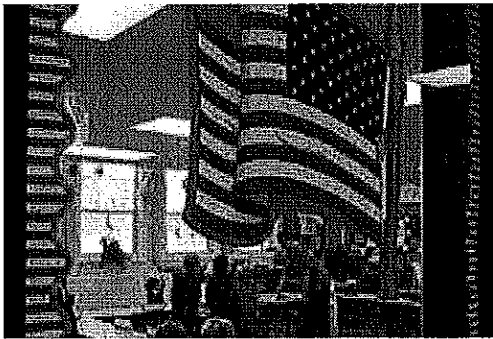
The Trump administration continued to cut regulatory red tape by announcing last Tuesday that the Environmental Protection Agency will revise greenhouse gas and corporate average fuel economy standards set by the Obama administration. The change could even impact how much you spend on buying a new car.

[Read Article](#)

School Security

Firing Blanks: Why the Current Focus on Guns in Schools Won't Solve the School Safety Debate

Inez Feltsher Stepman and Jonathon Hauenschild | American Legislative Exchange Council

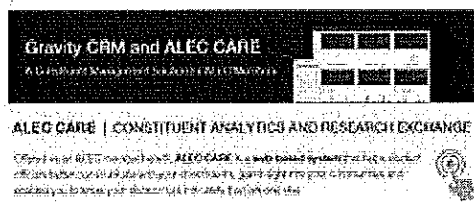


After every school shooting tragedy, the same gun debates rage in America, pitting gun control advocates against Second Amendment supporters. Instead, ALEC is considering two non-firearm related solutions we hope will gain the backing of people across the political spectrum, regardless of where they fall in the national gun debate.

[Read Article](#)

ALEC CARE

Manage Your Constituent Relations Quickly and Easily with ALEC CARE



ALEC's wealth of resources doesn't stop with model policy. As an additional benefit, we are letting all members know that we've constructed an online platform for your daily constituent management tasks. The accounts we provide are specifically designed for your district, with pre-populated constituent profiles, allowing you to fill in notes, retain contact information, and even track issues of concern. To learn more and activate your personal account today, contact our C.A.R.E. Associate, Aaron Gillham, at agillham@alec.org.

ALEC-FreedomWorks Legislator of the Week

Looking Out For Taxpayers in South Dakota

Representative Taffy Howard | SD-33



This week, ALEC and FreedomWorks introduce **South Dakota State Representative Taffy Howard**.

Representative Howard is a proud Air Force veteran, mother, and community leader, who believes that hard-working South Dakotans should be able to keep more of their paychecks. She also believes "The out-of-control increase in property taxes" is one of the larger issues facing her state.

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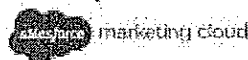


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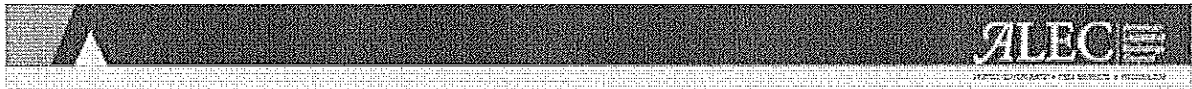


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**Communications and Technology Update:
April 13, 2018**



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Dear Members of the Communications and Technology Task Force,

I hope you all are ready for Spring. Here in northern Virginia, we are still awaiting the return of warm weather.

With Spring either in the air, or right around the corner, that means the **Spring Task Force Summit** is all but upon us. If you missed the 30-day mailing, you can access the tentative draft agendas, policies subject to sunset review, and proposed policy [here](#). **You can also register for the meeting by clicking [here](#).**

To preview the meeting, briefly, the Task Force will be discussing a Statement of Principles for Online Speech. We will hear, both in the morning and during the task force meeting, about how technology can help secure our schools. We will also have a discussion on right-to-repair policies proposed in states and discuss the online sales tax case currently before the Supreme Court.

Speaking of that case, ALEC filed a brief, amicus curiae (friend of the court), in that case. In the brief, Joel Griffith and I argue that the Court should maintain the current physical presence standard for state sales tax obligations. You can read the press release and brief by [clicking here](#).

As always, if you have any questions, please feel free to reach out at jhauenschild@alec.org.

Regards,

Jonathon Hauenschild

Director, Task Force on Communications & Technology

What I Am Reading

- The media often inaccurately attributes trending conservative topics on social media to efforts by 50 Russian bots." This isn't really the case, as the media misinterprets the data and inferences from the Alliance for Securing Democracy's Hamilton 68 dashboard
 - In France, innovation may be criminal. Uber executives in France will face criminal charges as a European Union court sustained France's categorization of the ride-sharing disruptor as a "transportation company" rather than a "digital company." Such a classification allows France to punish the company for violating a law criminalizing the provision of unlicensed transportation services
 - Facebook, in the midst of controversy regarding third party access to data, announced a Data Abuse Bounty program. The program will reward individuals who report apps that improperly obtain and share Facebook user data
-

ALEC/FreedomWorks Legislator of the Week

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Representative Taffy Howard | SD-33



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Dear Rep. Schuring,

I trust you are doing well.

I am writing to remind you to register for the Spring Task Force Summit, which will take place on Friday, April 27th in Grand Rapids, Michigan.

Join fellow legislators and engage in critical, current topics. We will have discussions on how technology can be used to help make schools more secure. We will have a policy discussion regarding online free speech. There will be a panel regarding right-to-repair policies. And we will have discussions regarding online sales tax and the South Dakota v. Wayfair case currently before the Supreme Court.

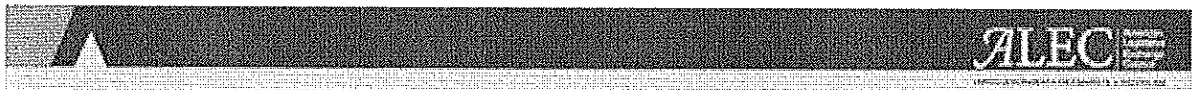
If you have any questions, please do not hesitate to reach out to me!

Regards,

Jonathon Hauenschild, J.D.
Director, Task Force on Communications & Technology
American Legislative Exchange Council
www.alec.org

From: Jonathan Williams
Sent: Saturday, April 14, 2018 12:01 PM
To: Rep48
Subject: Reminder: Special Preview of the 2018 Rich States, Poor States Economic Outlook Rankings

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Dear Friends,

I am pleased to announce the upcoming release of the state rankings from the 11th edition of *Rich States, Poor States: ALEC-Laffer State Economic Competitiveness Index*. The empirically-based analysis contained within the pages of *Rich States, Poor States* demonstrates which state economic policies lead to greater opportunity and which policies hinder job growth and overall economic prosperity. Many sizeable moves within the rankings took place this year, so you won't want to miss the chance to preview how your state ranks before the rankings are released on Tax Day.

Join us for an exclusive conference call to preview the findings with economists Dr. Arthur Laffer and Stephen Moore.

In addition, [click here](#) to download the coalition toolkit and social media samples.

WHAT: Conference call to discuss the new 2018 *Rich States, Poor States* economic competitiveness rankings

WHEN: Monday, April 16 at 10:00 EST

RSVP: Christine Smith at csmith@alec.org

I hope you will be able to join us. Please do not hesitate to contact me if you would like to partner with us to get this information to your colleagues, members or constituents in your state.

All the best,


Jonathan Williams
Chief Economist | ALEC

Vice President | ALEC Center for State Fiscal Reform
jwilliams@alec.org | @taxeconomist
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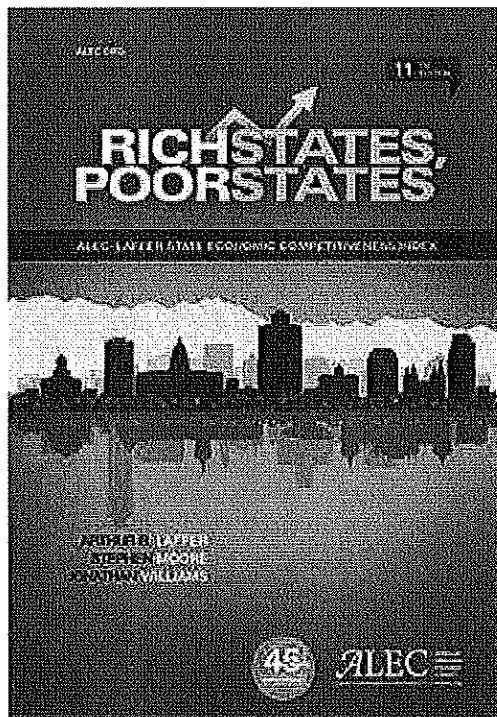
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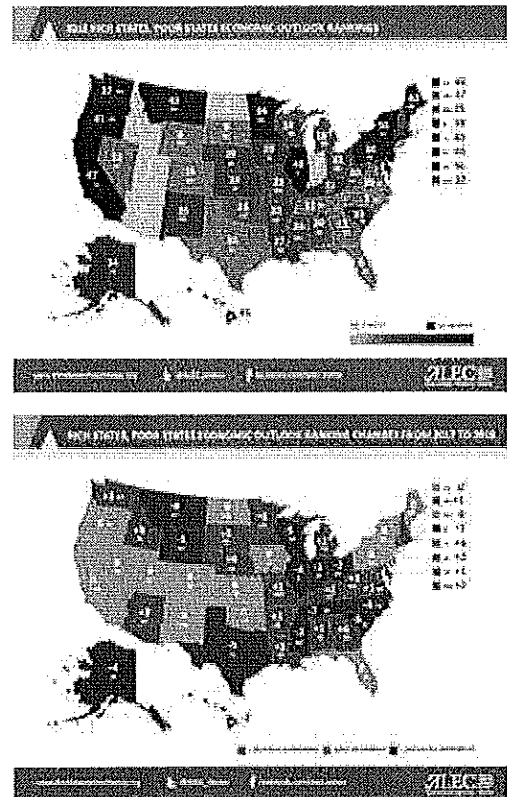
It's Tax Day, and That Means...

The brand-new, 11th Edition of ***Rich States, Poor States*** is here. Co-Authored by ALEC Chief Economist Jonathan Williams, White House Advisor Stephen Moore, and "Father of Supply-Side Economics" Dr. Arthur Laffer, *Rich States, Poor States* compares state economic data across 15 different factors to compile rankings of state economic outlook and economic performance. **[Click here to visit richstatespoorstates.org](http://richstatespoorstates.org)**, where you can see the newest data, find where your state ranks and compare it against other states and historical trends to see the impact of tax reform and strong and weak economic policies.

Publication and Resources



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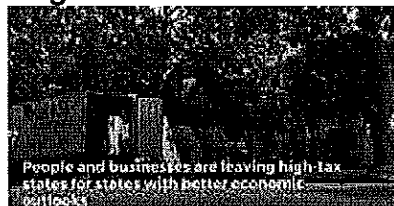
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Top 10 States



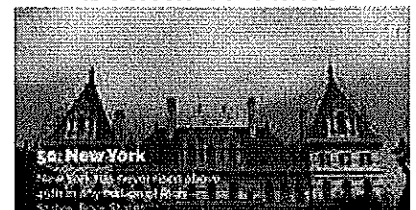
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"Voting With Your Feet"



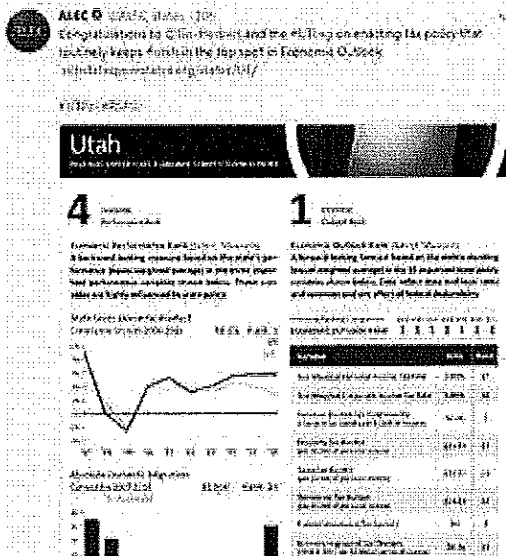
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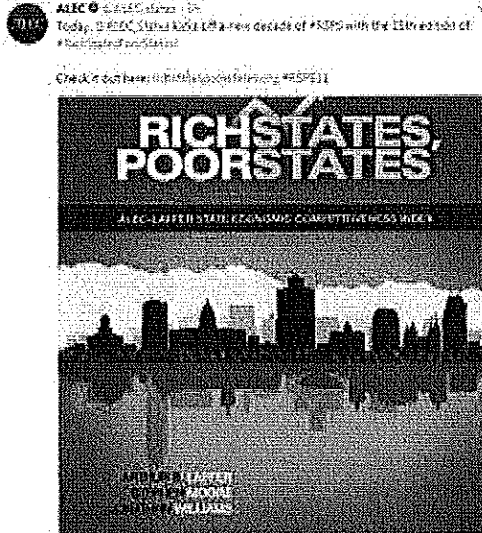


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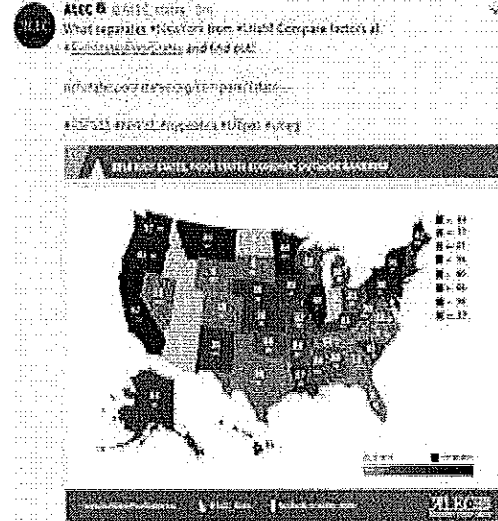
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ALEC is always grateful to find those who believe in the cause of strong economic policy and wish to help the organization spread the message. If you have any questions about the publication, or want to help spread the impact of this report, reach out to media@alec.org and let ALEC know. Also be sure to share the report and accompanying resources far and wide to help drive our message.



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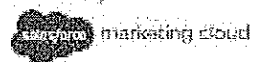
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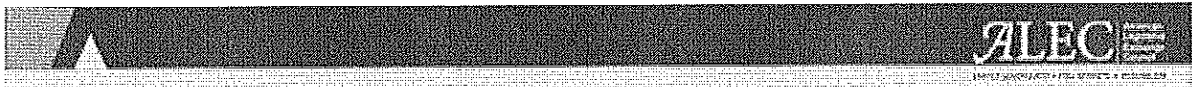
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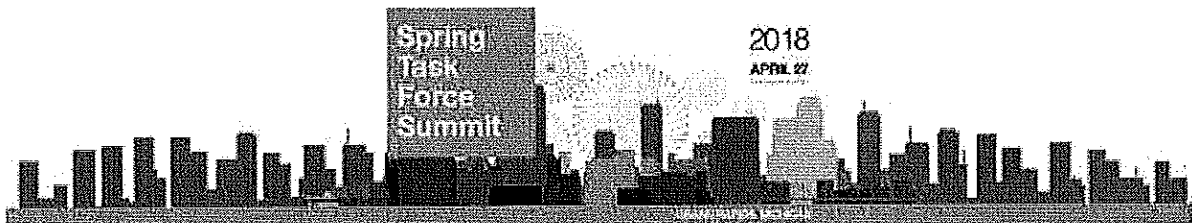
ALEC Digital Exchange - April 19, 2018



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STFS 2018

Be a Part of the Process at Spring Task Force Summit



Draft Model Policy is now live on the ALEC website. Review the policies for each task force, then register to come join ALEC at the Spring Task Force Summit and make sure your voice is heard in the debate. Register soon, the summit takes place **April 26th, in Grand Rapids, MI.** Contact Mason Hunt with any questions about the conference.

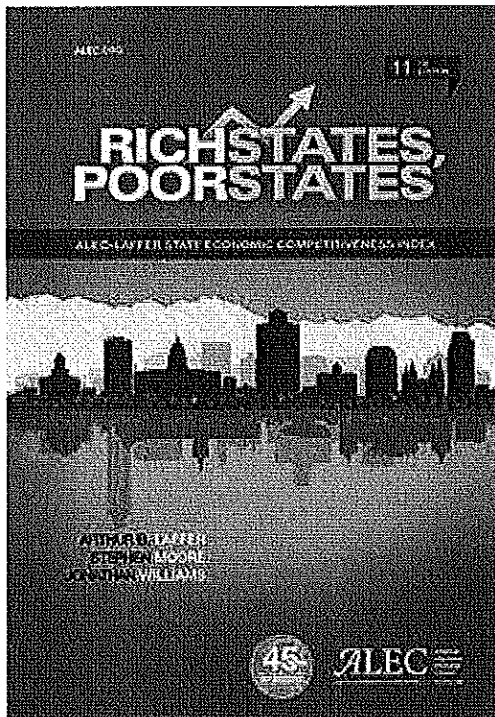
In addition, this year, to improve your conference experience, ALEC is launching a new app with meeting information, agendas, bios and more. Stay tuned for the app launch in the coming weeks.

Register Here

Rich States, Poor States

The 11th Edition of *Rich States, Poor States* Has Been Released

American Legislative Exchange Council



ALEC is excited to present the **11th Edition of *Rich States Poor States***. Co-Authored by ALEC Chief Economist Jonathan Williams; White House Advisor Stephen Moore, and "Father of Supply-Side Economics" Dr. Arthur Laffer, *Rich States, Poor States* compares state economic data across 15 different factors to compile rankings for state economic outlook and economic performance.

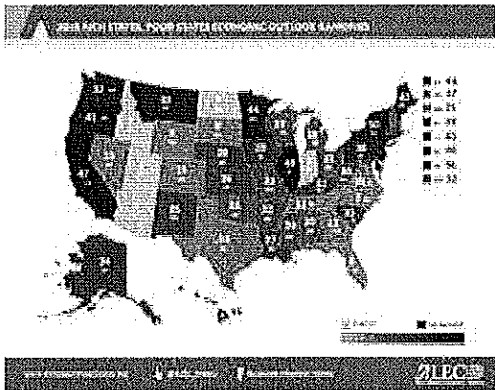
[Click here to visit richstatespoorstates.org](http://richstatespoorstates.org), where you can see the newest data, find where your state ranks and compare it against other states and historical trends to see the impact of tax reform and strong and weak economic policies.

[View Publication](#)

Rich States, Poor States Coverage

What People Are Saying About *Rich States, Poor States*

American Legislative Exchange Council

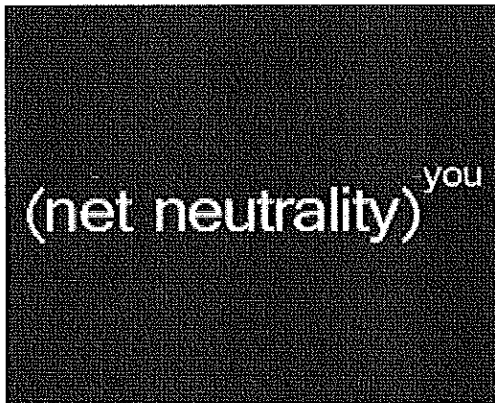


Media and policymakers are already buzzing about the newest edition of *Rich States, Poor States*. The work has been described as "policy shifting" in the past, and in the wake of federal tax reform, it is more relevant than ever. **News 12 New Jersey** aired a segment discussing the reasons for its low ranking, and **Deseret News** of Utah featured an op-ed written by ALEC Chief Economist Jonathan Williams and UT Senate President Wayne Neiderhauser, talking about Utah's unparalleled success in the rankings. In addition, **National Review** ran an op-ed by Jonathan Williams on the pitfalls of "millionaire's taxes" and an exclusive in the **Washington Examiner** detailed the report just before the release. Check out www.richstatespoorstates.org and see for yourself how important this publication is.

ALEC On The Radio

CAT Director Jonathon Hauenschild Discusses Net Neutrality

Jonathon Hauenschild | Communications and Technology



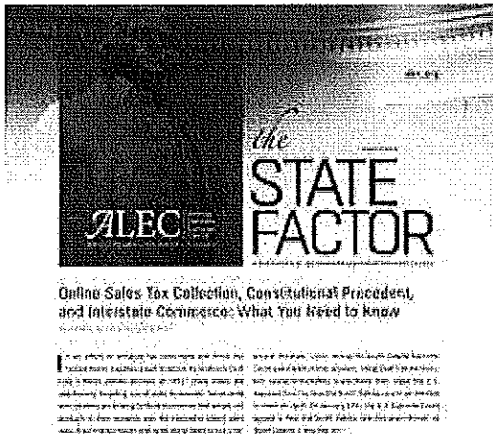
Communications and Technology Task Force Director Jonathon Hauenschild was a guest on the *Chuck and Julie Show* on 710 KNUS in Colorado. Jonathon discussed the contentious topic of Net Neutrality, and some of the misconceptions associated with the debate.

[Listen Here](#)

Online Sales Tax

Oral Arguments Heard in *South Dakota v. Wayfair*

American Legislative Exchange Council



On April 17th, The United States Supreme Court heard oral arguments for the case of *South Dakota v. Wayfair*, which concerns the collection of online sales tax. ALEC has produced a **State Factor Publication** as well as an **Amicus Brief** submitted for the case.

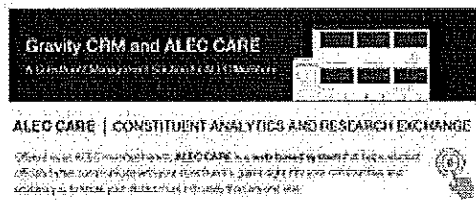
State Factor

Amicus Brief

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ALEC's wealth of resources doesn't stop with model policy. As an additional benefit, we are letting all members know that we've constructed an online platform for your daily constituent management tasks. The accounts we provide are specifically designed for your district, with pre-populated constituent profiles, allowing you to fill in notes, retain contact information, and even track issues of concern. To learn more and activate your personal account today, contact our C.A.R.E. Associate, Aaron Gillham, at agillham@alec.org.

ALEC-FreedomWorks Legislator of the Week

Battling the Opioid Epidemic in Kentucky
Representative Kim Moser | KY-64



This week, ALEC and FreedomWorks introduce **Kentucky State Representative Kim Moser**. Representative Moser comes from a healthcare background as a Registered Nurse who is dedicated to stemming the tide of the opioid crisis in her state. She cites this as among her chief concerns, recognizing its wide-ranging impact, stating, "Healthcare and addiction issues affect our state workforce, education, criminal justice system, and families."

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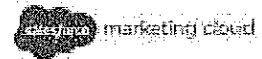


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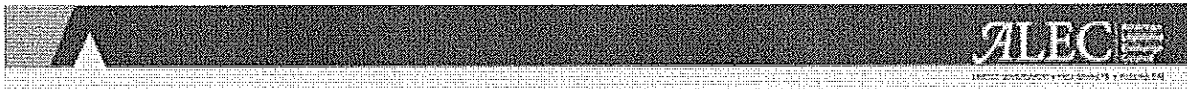
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Center for Innovation and Technology - April 24, 2018

From Center Director Bartlett Cleland: Is It Time to End "Smart Cities?"



For years, the talk of the future of connected communities has been centered in "smart cities." Cloud services, broadband access, the Internet of Things, smart meters, parking apps, smart street lights, traffic management and so much more have all been discussed in terms of a remade urban landscape. But if you care about fresher food, open spaces, a different pace of life, conservation, broad economic success and so on, then the thinking needs to change.

The future should grow from "smart states" to connecting urban, suburban and rural together, each with their own attractions, benefits and opportunities.

One of the key elements for connecting a smart state is plentiful broadband. The internet is a driver of the U.S. economy, responsible for an economic footprint of \$421 billion and 2.9 million jobs. Specific to rural areas, the administration's

"Rural Prosperity Report" 2010 says, "E-connectivity, or electronic connectivity, is more than just connecting households, schools, and healthcare centers to each other as well as the rest of the world through high-speed internet. It is also a tool that enables increased productivity for farms, factories, forests, mining, and small businesses." No wonder a clear majority of Americans agree that it is integral to

our economy. That notion is informed by the provision of high-performance internet access to the vast majority of households, about 93 percent, in the United States – including millions in rural areas. But how to connect those last few percent, many of whom are in rural areas? Getting government out of the way is a great place to start.

Early this year, President Trump directed the Department of Interior to allow broadband companies to co-locate their equipment on infrastructure that the Department already has in place. This one simple change will make rural broadband more available and affordable in rural America. More generally, the wide variation in how broadband providers can access federal property causes dramatic slow-downs and great waste. Government needs to move at the speed of innovation, increasing inter-agency cooperation and developing stream-lined consistent processes. More than most improvements this would lead to faster, further reaching broadband deployment.

Another easy improvement would be to require conduits (plastic pipes thorough which wires can be pulled) in all appropriate infrastructure projects. This so called “dig once” approach saves money and also allows for more rapid deployment of new technologies. Such policies are already in place in Arizona, Minnesota and Utah, as well as several municipalities. Even improving access to rights of way would be a step in the right direction. Whether federal or state, access to rights of way should be sped up. Applications for approval to build out broadband infrastructure should be given a priority, perhaps placed on a “shot-clock” so that if action is not taken on an application it is automatically approved.

Additionally, fees and lease payments for right of way rental should be eliminated or at least minimized for access for broadband facilities. Similarly, rents set for attachment of broadband equipment and lines to existing poles must be carefully considered avoiding any truly arbitrary rate increase that slows deployment and increases costs to consumers.

When government acts it must carefully consider those actions. Any financial intervention by the government must focus on the incrementally next most costly areas that are currently unserved with no immediate future plans to be connected. Recently, Congress approved \$600 million for rural broadband expansion via the Agriculture Department's Rural Utilities Service. A similar fund under the previous administration wasted billions, limiting delivery on the promise to expand rural broadband. This sort of federal support should require local jurisdictions to find additional ways to remove any barriers to broadband deployment. The

administration needs to be forward thinking, making sure that areas currently being served are not being "overbuilt," wasting money while providing nothing new. Households with no broadband access should be the priority.

Where any legislation is concerned, particular technologies should not be the focus as there are no "future proof" technologies. Such technological neutrality has a great benefit -- bringing all qualified broadband providers to the market to enhance the competition and ultimately benefits to consumers. Both fixed and wireless need to be considered as both are necessary. For example, 5G will be great for hyper local applications such as will be abundant in smart cities. But smart states will take a different and familiar approach, using a combination of new fiber and wireless. Other technologies, such as satellite, will also play a role.

While widely dispersed populations, such as those in rural areas of the United States, can be challenging to serve profitably, federal state and local governments can help in removing barriers. Broadband will make a difference in rural America, and by doing so will help the growth of smart states.



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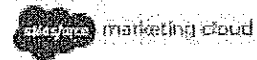


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STATE LEGISLATORS ARTICLE V CAUCUS

Newsletter - Edition 64 May 2018

Providing Article V / Federalism News and Scholarly Resources Since 2013

This month...

- **Who Says America's Fiscal Condition Spells Trouble?**

As reflected below... a wide range of individuals and organizations do:
American Enterprise Institute, The CBO Director, the New York Times,
the

Peter G. Peterson Foundation, Former Utah Congressman Jason Chaffetz, Former US Senator Gregg, The Hill, Heartland Institute, the American Legislative Exchange Council, Americans for Tax Reform, the Center for Freedom and Prosperity, FreedomWorks, and the BBA Task Force... just to name a few!

- **'Swiss Debt Brake' Gets Increased Attention**
- **Article V Expert Address the AV Fear Campaign**
- **Former Eagle Forum Leader Changed Her Position on AV**
- **Article V Legislative Progress Report: An Update**

AEI Report: Federal Fiscal Complacency is Now Dangerous –

"The Congressional Budget Office's latest forecast makes a convincing case that fiscal complacency is now dangerous for the U.S. economy," says James C. Capretta at the American Enterprise Institute in an April 13 report.

His review of the most recent Congressional Budget Office (CBO) study indicates *"the federal government will borrow an additional \$12.4 trillion over the next 10 years. At the end of 2028, the federal government will have outstanding debt of \$28.7 trillion, or 96 percent of GDP. Ten years ago, federal debt was equal to 39 percent of GDP."*

Capretta says there is a case to be made for a balanced budget amendment. Read his report [HERE](#).

CNBC Report: 'Debt is About to Explode' –

A **CNBC** report on the above-referenced CBO report carried a quote by CBO Director Keith Hall: *"Such high and rising debt would have serious consequences for the budget and the nation ... The likelihood of a fiscal crisis for the United States will increase."*

Read that April 9 article [HERE](#).

NY Times: 'Deficit Fuels Fear of Crisis' –

NY Times writer Thomas Kaplan says that by 2028 *"debt held by the public will almost match the size of the nation's economy ... a higher level than any point since just after World War II and well past the level that economists say could court a crisis."*

Kaplan quotes Michael A. Peterson, president and chief executive of the Peter G. Peterson Foundation, which advocates reining in budget deficits, as saying the CBO report *"confirms that major damage was done to our fiscal outlook in just the past few months."*

He adds another quote from CBO Director Hall as saying that *"beyond a decade, the debt would continue to rise compared with the size of the economy. He warned of the possible consequences if lawmakers put off addressing the trajectory of the government's finances. 'The longer you wait, the more draconian the measures have to be to fix the problem'."*

Read the entire NY Times article [HERE](#).

Jason Chaffetz: Give States the Opportunity to Vote on a BBA –

FOX News.com has carried an article by former Utah Congressman Jason Chaffetz entitled *"10 Things Congress Should Do, But Won't"*. Chaffetz says, *"Congress is on the clock. Time is ticking. Here are ten actions Congress should take now to truly do the work of the American people, but they won't."*

One of Chaffetz's suggestions was: *"Give the states the opportunity to vote on whether Congress should be subject to balancing the federal budget. We will never reign in spending until the American people have to pay for what we're actually spending. ... If two-thirds of the states want Congress to balance the budget, then they'll have a mandate to do it."*

Read Chaffetz's full list of suggestions [HERE](#).

Former US Senator Gregg: 'We're Headed Over a Cliff' –

During April Judd Gregg (a former New Hampshire Governor and former US Senator), who once served as chair of the US Senate Budget Committee, appeared on radio station WBUR (Boston) where he said: *"We're headed over a cliff as a nation."*

Reacting to the recent CBO report Gregg is quoted as saying, *"[It means that] at some point in the future, we're gonna have a fiscal issue that's very significant, some sort of fiscal crisis, and that we'll inevitably pass onto our children a lower standard of living, because they'll have to pay down all this debt that we've run up during our generation and pass that debt onto them. And that will reduce their standard of living, and it's not right. We should be much more fiscally responsible than we're being as a government."*

Senator Gregg is affiliated with the [Campaign to Fix the Debt](#), and recently joined the board of the [BBA Foundation](#). Listen to the Gregg interview [HERE](#).

The Hill: Congressional BBA Sought 'Lipstick on a Pig' –

Just before the US House voted on its version of a BBA, **The Hill** carried an article entitled: **"GOP Amendment Tries to put Lipstick on Our Budget Pig= 2**. After the authors finished deriding the proposal (which did not pass), they offered some observations.

They pointed out that *"not all balanced budget amendments are created equal, and even if this one were to pass ... it leaves much to be desired."* Among other deficiencies, the recently considered Congressionally-proposed BBA was not self-enforcing.

The authors noted that *"any reasonable balanced budget amendment should aim not to*

end federal borrowing entirely, but to deter such borrowing absent exigent circumstances.” They said, “The key to an effective BBA is language that enforces a balanced budget over time without mandating one. Many proposals exist for doing just this, complete with penalties when Congress doesn’t abide.”

Read their entire opinion piece [HERE](#).

Heartland Institute: ‘Fake BBA is an Insult to Conservatives’ –

A commentary produced by Heartland Institute’s Justin Haskins, published by **The Blaze** on April 16, right after the US House failed to advance its proposed BBA, carried this headline: ***“GOP’s Fake Balanced Budget Amendment Plan is an Insult to Conservatives Everywhere”***.

Haskins said, *“the proposed amendment include(d), in the words of conservative Rep. Thomas Massie (R-Ky.), ‘a loophole you can drive a truck through’: If three-fifths of both houses of Congress approve, unbalanced budgets could be passed without delay. The reason Congress, whether it’s run by Republicans or Democrats, will likely never pass a balanced budget amendment is because most members of Congress have a strong personal incentive to continue to run large deficits.”*

The author suggests that *“A balanced budget amendment is the only way to ensure the federal government acts responsibly. At this point, nothing else will work. But if Congress has no intention of passing a (meaningful) balanced budget amendment, how will this problem ever get resolved?”*

Haskins concludes, *“America’s only hope of averting fiscal disaster rests with a handful of states that have yet to pass balanced budget amendment applications.”*

Read Haskins’ commentary [HERE](#).

ALEC Calls for Congress to Support an Article V Convention –

Just before the US House voted on its version of a BBA, the **American Legislative Exchange Council (ALEC)** sent a letter to House Speaker Ryan and Senate President McConnell. The letter, over the signature of ALEC President Lisa Nelson was formally endorsed by 10 other organizations including Americans for Tax Reform, the Center for Freedom and Prosperity, FreedomWorks, and the BBA Task Force.

Headlined ***“Congress Needs to Get Serious About Balancing the Federal Budget,”*** the letter said, *“The Congress, clearly unable to shake its overspending habit ~~so~~ (should) exercise its constitutional power under Article V to empower the states to draft, and the people to ratify, a Balanced Budget Amendment to the U.S. Constitution.”*

In addition to encouraging the states to meet in convention to draft and propose new fiscal restraints on the federal government, the letter stressed its suggestion that any proposed BBA proposal should be sent to state conventions for ratification. It said: *“the citizens of the United States of America should decide if they want to ratify a BBA that could be designed by their state representatives. In calling for a convention of the states, Congress could honor the principles of federalism and empower the American people to create a fiscally solvent future.”*

Read the entire ALEC letter [HERE](#).

‘Swiss Debt Brake’ Gets Increased Attention –

On April 4 the **Heritage Foundation** hosted a panel discussion ***entitled “Hitting the Brakes on Overspending and Debt”***. The event highlighted the fiscal rules employed by the Swiss government to restrain national debt and expand its economy.

Participants included Jan-Egbert Sturm, Chairman of the Swiss Debt Brake Group of Experts; Barry W. Poulson, Emeritus Professor of Economics, University of Colorado and co-author of ***Can the Debt Growth Be Stopped?***; and Ryan Bourne, R. Evan Scharf Chair for the Public Understanding of Economics, Cato Institute.

The entire hour-long discussion... focused on how a variation of the Swiss Debt Brake fiscal rules could be applied to the US government... can be watched/heard [HERE](#).

A related article by Daniel J. Mitchell of the Cato Institute entitled ***"How the Swiss 'Debt Brake' Tamed Government"*** was published on April 26 by the **Wall Street Journal**. It can be read [HERE](#).

ALSO RELATED: The April 13 edition of **Investor's Business Daily** carried a commentary by Dr. Poulson and his associate John Merrifield, entitled, ***"Closing the Debt-Driven Fiscal Gap Just Got Harder,"*** the piece can be read [HERE](#).

Article V Expert Addresses AV Fear Campaign –

The April 2 edition of **The Hill** carried an article by Professor Rob Natelson entitled ***"Convention for proposing amendments not as scary as big government advocates suggest"***.

Natelson's excellent article addresses the *"renewal and quickening of a 50-year old campaign to dissuade Americans from calling a convention for proposing constitutional amendments."* He points out that the campaign *"uses fear and disinformation to discourage citizens from exercising an important constitutional right."*

He also follows-up with logic and good reasons for ignoring such misinformation and fear. Read his piece [HERE](#).

Former Eagle Forum Leader Changed Her Position on Article V –

Laurie Lister Frost, a previous President of the Scholastic Eagle Forum Chapter, was a close friend of Eagle Forum founder Phyllis Schlafly. She suggests that “the Con Con” fears’ of many Eagle Forum members are misplaced.

Ms. Frost reports that after really studying Article V she has concluded that the founders “gave us Article V in the Constitution to use as our biggest tool ... for proposing amendments to the Constitution... to strengthen the people, the states ... to rein-in the power of the central government.” In a video released by the **Convention of States Project**, Ms. Frost calls on her fellow ‘Eagles’ to put aside unfounded fears.

“I have changed my view. It is simply because I have been educated.” About the founding fathers who wrote the Constitution, Ms. Frost says, *“We need to honor them... they laid everything on the line. This is something we can do to honor our legacy of freedom.”*

The CoSP video of Ms. Frost’s comments can be seen [HERE](#).

The Article V Legislative Progress Report: An Update –

For the last few years Georgia Attorney David Guldenschuh has tracked Article V activity within state legislatures. His April 10 report shows that approximately 145 Article V items of Article V legislation have been introduced in 36 states this year.

Guldenschuh says, *“The lack of successes within the Article V movement in 2018 suggests that each group (except US Term Limits) may be reaching its ceiling with its current funding mechanism. More resources will be needed to find success, particularly since the anti-Article V groups - Common Cause, John Birch Society, Eagle Forum and others - appear to be better funded. The lack of success also harkens back to my 2015 warning in*

my Heartland Institute Policy Brief that the advocacy groups needed to do a better job of coordinating their efforts lest they begin to cancel each other out. There is likely an air of Article V burnout in some state legislatures that is further tamping down our successes."

See his entire commentary and current status report chart [HERE](#).

A Closing Thought -

Tench Coxe was a Pennsylvania merchant, delegate to the Annapolis Convention of 1786, and the co-author with Alexander Hamilton of the Report on Manufactures (1791). Leading up to ratification of the 1787 US Constitution, Mr. Coxe wrote an address to the members of the Virginia Ratification Convention. It appeared in the ***Pennsylvania Gazette*** of May 21, 1788... with these closing words:

**"They will remember the provision to obtain amendments,
and will recollect that the power will continue
with the people at large in all time to come."**

This Newsletter is produced by
Colorado State Senator Kevin Lundberg (senatorlundberg@gmail.com)
and New Mexico State Representative Yvette Herrell (yherrell@yahoo.com)
Newsletter Editor - Stuart MacPhail (CitizenAmend@aol.com)

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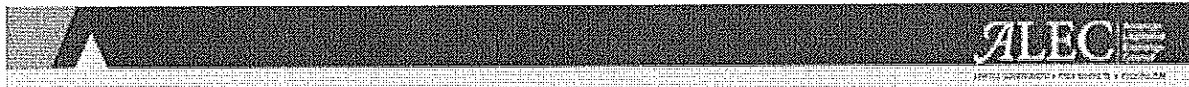
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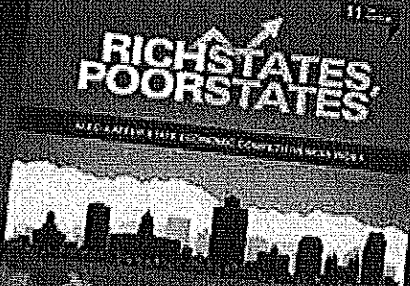


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The book cover for "Rich States, Poor States" is shown on the right side of the banner. It features the title in large, bold, sans-serif font, with "11th Edition" in the top right corner. Below the title is a silhouette of a city skyline against a light background.

Center for State Fiscal Reform - May 1, 2018



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ALEC in The News

***Rich States, Poor States* Spurs Discussion Across the Country**

Center for State Fiscal Reform



The release of the 11th Edition of *Rich States, Poor States* has policymakers and leaders buzzing all over the US. In Utah, **Deseret News** ran an op-ed by Senate President Wayne Niederhauser lauding Utah's continued presence in the top spot. Meanwhile, **National Review** featured an op-ed by ALEC Chief Economist Jonathan Williams detailing the problem with so-called "Millionaire's Taxes."

ALEC On The Air

Center for State Fiscal Reform Talks *Rich States, Poor States*, State Budgets

American Legislative Exchange Council